

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  
DECEMBER 31, 2006

Issued February 15, 2007

## EXECUTIVE SUMMARY

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The City of Los Angeles and the Los Angeles Police Department (LAPD) entered into a Consent Decree with the Department of Justice (DOJ) on June 15, 2001. The 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-second report, covers the results of the Monitor's compliance assessments conducted during the quarter ending December 31, 2006 and is the second 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 24 paragraphs or subparagraphs of the Consent Decree during the current quarter. Of these, the City and the LAPD successfully complied with 19, failed to achieve compliance with 4, and, for reasons stated in the body of this report, the Monitor withheld a determination of compliance with 1 subparagraph.

During the quarter ending December 31, 2006 (the current quarter), the Monitor assessed the Department's compliance with several Consent Decree requirements related to Categorical Use of Force (CUOF) incidents and investigations, again finding the Department in compliance with several of the specific investigative requirements that apply to all CUOF incidents, as well as the requirement to consider an officer's work history when reviewing and/or making recommendations regarding non-disciplinary action as a result of a CUOF. However, the Monitor found the Department in continued non-compliance with the requirement that managers analyze the circumstances surrounding the presence or absence of a supervisor at a CUOF incident, although for the first time the Monitor found that the Department complied with the requirement that such analysis be considered in each supervisor's annual personnel performance evaluation. The Monitor also found the Department in continued non-compliance with the requirement that officers involved in CUOF incidents resulting in death or the substantial possibility of death are precluded from working in the field until consultation with a licensed mental health professional and notification of fitness for duty has occurred. Finally, in reviewing the Department's compliance with specific investigative requirements that apply to all CUOF incidents, the Monitor became concerned that complaint investigations initiated during the course of investigations of CUOF may not be addressing all of the complainants' allegations. The Monitor has submitted a request for information and will be reviewing such complaints investigations during the upcoming quarter.

As in the previous quarters of the three-year extension to the Consent Decree, both internal and external oversight continue to be strengths of the Department. LAPD's Audit Division submitted

three audits for review this quarter. The Monitor conducted limited reviews of two of these audits, a *Supplemental Non-Categorical Use of Force Audit* and an *Arrest, Booking and Charging Reports Audit*, and did not identify any issues that suggest that the quality of these audits varied significantly from prior audits of the topics or that the paragraphs assessed in the audits require active monitoring. As a result, the Monitor found these audits in compliance with Consent Decree requirements. The Monitor withheld a determination of compliance in connection with the third audit, *the GED Work Product Assessment Summary Audit*; the Monitor will conclude on this audit when Audit Division completes a second phase of this audit and submits a final audit report. The Monitor also found the LAPD in compliance with Consent Decree requirements regarding the planning and execution of integrity/sting audits (paragraph 97). In addition, the Monitor assessed six reviews of audits conducted by the Office of the Inspector General, concluding that all six were quality reviews.

In addition to the above, during the current quarter, the Monitor assessed the Department's compliance with the following Consent Decree requirements:

- The requirement that supervisors evaluate each incident in which a person is charged with interfering with, delaying, or obstructing a police officer, resisting arrest, or assault on an officer to determine whether it raises any issue or concern regarding training, policy, or tactics (subparagraph 70b). The Monitor found the Department in compliance with this requirement.
- The requirement that unit supervisors and non-supervisory officers continue to be subject to existing procedures regarding detention, transportation, arrest, processing and booking of arrestees (subparagraph 106e(i)). The Monitor found the Department in non-compliance with this requirement. LAPD's Audit Division conducted an audit and concluded that the Department was in non-compliance with certain objectives tested, including post-incident supervisory review requirements. The Monitor concurred with Audit Division's findings.
- The requirement that the Department continue implementing formal eligibility criteria during the FTO selection process (paragraph 114). The Monitor found the Department in compliance with this requirement.
- The requirements that the Police Commission annually issue a publicly-available report detailing its findings regarding CUOF incidents (subparagraph 142b). The Monitor found the Department in compliance with this requirement.
- The requirement that the City and the Department take appropriate, timely and reasonable steps to implement recommendations and remedy deficiencies noted in reviews, audits and reports issued by the Police Commission, the Inspector General, and the Department under the Consent Decree (paragraph 154). The Monitor found the Department in compliance with this requirement.

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- A. “Report Card” Summarizing the Monitor’s Evaluation of Compliance with the Consent Decree as of the Quarter Ending December 31, 2006
- B. Acronyms Utilized in Quarterly Reports Issued by the Independent Monitor

## I. INTRODUCTION

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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-second report, covers the results of the Monitor's compliance assessments conducted during the quarter ending December 31, 2006. 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.<sup>1</sup>

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<sup>1</sup> 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 December 31, 2005.<sup>2</sup> 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.<sup>3</sup> 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.

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<sup>2</sup> 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.

<sup>3</sup> 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 Card 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

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### A. INTERNAL OVERSIGHT

Sometimes notable achievements of the City and LAPD fail to get highlighted in the pages of our Quarterly Reports. One such achievement has been the growth of the internal oversight capabilities of the City over the last five and one-half years. As noted throughout this report, by virtue of the confidence gained in the LAPD Audit Division (AD) and the Office of the Inspector General (OIG), the Monitor has been able to rely upon their work product (as reviewed and verified by the Monitor in meta-audits) in order to reach conclusions relative to compliance in many areas. As we have said often before, after the expiration of the Consent Decree, these two entities, along with the Police Commission and the LAPD Civil Rights Integrity Division (CRID), will carry on the work of the Monitor in ensuring that the reforms that have been mandated are fully implemented and, perhaps more importantly, sustained. We will, over the remaining term of the Consent Decree, continually seek to bolster not only the continued growth of these entities, but their direct participation in monitoring activities so as to best prepare them as our successors.

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

As previously described in a focus issue entitled *Analysis of Field Data* in our Report for the Quarter Ending June 30, 2006, the Consent Decree, through paragraphs 102-105, attempts to ensure that LAPD officers 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 blacks 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 racial profiling.

In light of the inability to analyze and draw conclusions from the aggregate data, as well as very significant upcoming expenses required to replace the data collection devices, the City of Los Angeles has requested that the current method of collection of field data by officers as mandated

under the Consent Decree be revisited. Essentially, the question is whether both the time and money that is being spent on collecting the data for aggregation could be better spent on more effective methods of detecting, investigating and preventing biased policing. It is the Monitor's belief that the dollars that would need to be spent in continuing the current method of collection and aggregation can, in fact, be better spent on enhancing the City's ability to detect, investigate and prevent biased policing.

During the current quarter, at the request of DOJ, the Monitor undertook a review of investigations of allegations of biased policing. The Monitor was disappointed in the quality of those investigations. It is the Monitor's belief that in order to promote appropriate investigations, better training of investigating officers must be undertaken, with emphasis placed on specific protocols for such investigations. Such protocols should include an examination of the history of stops and after-stop actions conducted by an individual officer, as gathered from forms completed in the ordinary course of business. To the extent that such information cannot be gathered from currently existing forms, a new policy requiring the capture of such information should be enacted. Such a policy, when coupled with better trained investigators and utilization of technology such as in-vehicle cameras, would serve to enable better detection and prevention of biased policing. However, the Monitor notes that this issue is still unresolved among the parties. The Monitor will continue to work with the parties in attempting to reach a consensus with respect to this issue.

### III. PERFORMANCE OF THE LAPD'S POLICE DEPARTMENT

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#### 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.<sup>4</sup> In order to meet this requirement, the City is developing four new systems: the Complaint Management System (CMS), the Use of Force System (UOFS), the STOP database,<sup>5</sup> and the Risk Management Information System (RMIS). The RMIS will gather data from the new systems, as well as numerous legacy systems, in order to produce relevant information for risk management analysis.

The Monitor and the City have recognized that the original timeline for completion of the TEAMS II project has not been met; however, the City has continued to work on and roll-out the TEAMS II system throughout the term of the Consent Decree and the extension. The Monitor has always recognized the numerous challenges presented by the scope of the TEAMS II project and commends the City for the strides taken to meet these challenges.

The City continues to fully utilize the Deployment Period System (DPS)<sup>6</sup> and the UOFS. The City has now rolled out Phase I of CMS<sup>7</sup> and has scheduled RMIS action items to be activated January 31, 2007, which will mean that both CMS and RMIS will be completed Department-wide by the end of the first quarter of 2007. This is a substantial step towards achieving compliance with Consent Decree requirements regarding TEAMS II.

During the current quarter, the City and the LAPD made the following progress towards the implementation of TEAMS II:

- DPS has been rolled-out Department-wide and all entities have been utilizing this system for over a year now.
- UOFS has been rolled-out Department-wide since June 2006 and all entities continue to utilize this system.

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

<sup>5</sup> 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.

<sup>6</sup> The DPS lies at the heart of TEAMS II, providing information relative to officers' attendance and the command structure, which is utilized for a variety of purposes within the TEAMS II framework.

<sup>7</sup> CMS Phase I is sufficient to satisfy RMIS data requirements per the Consent Decree.

- RMIS continues to make TEAMS Individual Reports available Department-wide and the Department has given instructions to officers for reviewing their own individual TEAMS reports for accuracy. As described in our Report for the Quarter Ending September 30, 2006, TEAMS 1.5 has been turned off and all items are filtered directly into the TEAMS II system. Command staff presentation of RMIS to refresh their training took place on December 12, 2006. All RMIS action items will be activated in a phased rollout beginning January 31, 2007, resulting in Department-wide rollout of action items during the first quarter of 2007.
- The City rolled-out Phase 1 of CMS the week of November 13, 2006, which is a substantial step forward. CMS Phase 1 is sufficient to satisfy RMIS data requirements. The City no longer enters complaint data into the Professional Standards Bureau's (PSB) complaint databases; all complaints are now entered into CMS. There is also an active feed into RMIS from CMS as of December 2006. The Department hopes to roll out the full CMS, which includes some additional functionalities, but is not a requirement for Consent Decree compliance, in the second quarter of 2007.

The Department has not yet achieved substantial compliance with the majority of Consent Decree requirements related to TEAMS II (paragraphs 39-44, 46-49, 50d and e, 51b-e, 52-54).<sup>8</sup> Although the Monitor was originally scheduled to assess some of those paragraphs during this reporting period, at the City's request, the Monitor agreed to postpone such review until next quarter in order to appropriately review RMIS and CMS. Assuming that all four TEAMS II systems are completed and rolled-out Department-wide by the end of the first quarter of 2007, the Monitor will be assessing the Department's compliance with these paragraphs thereafter.

## B. USE OF FORCE

The Consent Decree requires LAPD officers to report all incidents in which force is used and whether that force is "Categorical" or "Non-Categorical." A CUOF<sup>9</sup> is defined by paragraph 13 of the Consent Decree. Any UOF that falls under this definition is subject to certain paragraphs of the Consent Decree.<sup>10</sup> Administrative investigations of these incidents are the responsibility of the Force Investigation Division (FID). All completed CUOF incident investigations must be

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<sup>8</sup> The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with subparagraphs 50a-c and 51a 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.

<sup>9</sup> 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.

<sup>10</sup> Specifically, paragraphs 13, 38, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 69, 80, 82, 83, 136 and 142, as well as certain audit-related paragraphs.

presented to a Use of Force Review Board (UOFRB) and ultimately the Police Commission within a defined period of time.

All other UOF that do not fall under the definition of paragraph 13 are considered Non-Categorical Uses of Force (NCUOF). These are also subject to certain paragraphs.<sup>11</sup> NCUOF occur much more frequently than do CUOF, as officers often encounter resistance while performing their duties. NCUOF range from a technique as simple as the physical force used to control a resisting individual to the use of a taser or a bean-bag shotgun.

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 for a psychological evaluation (paragraph 63); and managers to consider 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 use of force investigations (subparagraph 80i) and access to information contained in TEAMS II for those units conducting CUOF investigations (paragraph 83). As a result, the Monitor will be assessing the Department's compliance with these paragraphs during the extension to the Consent Decree.<sup>12</sup>

The Monitor assessed the LAPD's compliance with paragraphs 62 and 64 (subparagraphs a and b) and subparagraph 80i during the quarter ending September 30, 2006. During the current quarter, the Monitor assessed compliance with paragraphs 62-63 and subparagraphs 64b and 80i. The results of our current assessments follow.

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

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

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<sup>11</sup> Specifically, paragraphs 13, 38, 65, 66, 68, 69, 81 and 82, as well as certain audit-related paragraphs.

<sup>12</sup> 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.

## *Background*

The Monitor last assessed the LAPD's compliance with paragraph 62 as it pertains to CUOF (subparagraph 62a) during the quarter ending September 30, 2006, at which time the Monitor found the LAPD in non-compliance. Of 13 CUOF incidents reviewed; the Monitor determined that the analyses for five incidents were insufficient, as they did not address material facts that would have been known at or right after the incident. For two additional incidents, the analyses were not completed within the mandated seven-day period.

The Monitor last assessed the LAPD's compliance with paragraph 62 as it pertains to search warrants (subparagraph 62b) during the quarter ending December 31, 2005, at which time the Monitor found the LAPD in non-compliance. The Monitor noted that for nine search warrants executed, the required analyses were documented as having occurred in excess of seven days of service. Additionally, for six warrants selected, there was insufficient information from which to make a compliance assessment.

The Monitor last assessed the LAPD's compliance with subparagraph 62c (managers' analyses considered in supervisors' annual personnel performance evaluations), during the quarter ending June 30, 2006, at which time the Monitor found the LAPD in non-compliance. The Monitor determined that for three of the 21 incidents reviewed during that quarter, the supervisors' analyses were not documented on their filed employee comment cards.

## *Current Assessment of Compliance*

### *CUOF Incidents*

During the current quarter, the LAPD's CRID compiled and presented information on 10 CUOF incidents selected for review by the Monitor. The Monitor reviewed an additional nine incidents.<sup>13</sup> For seven incidents of the 19 incidents reviewed, although analyses were completed, the Monitor concluded that they were insufficient, as they did not address material facts that would have been known at or right after the incidents.<sup>14</sup> In addition, for three incidents, the analyses were not completed within the mandated seven-day period.<sup>15</sup>

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<sup>13</sup> The 19 incidents occurred during the period July through December 2005, were investigated solely by the FID, and were forwarded to the Police Commission for review during the period July through December 2006.

<sup>14</sup> For three incidents, the Monitor identified supervisors who were either at or responded to the scene and assumed a supervisory role, but were not evaluated.

<sup>15</sup> For two of the three incidents, the evaluations appropriately assessed the presence and actions of all supervisors at the CUOF scene.

In assessing the LAPD's compliance with subparagraph 62c in connection with CUOF incidents, the Monitor noted that for two of the 19 incidents reviewed, the supervisors' analyses were not documented on their filed employee comment sheets.<sup>16</sup>

### *Service of Search Warrants*

CRID also compiled information and analyses of a sample of executed search warrants selected for review by the Monitor.<sup>17</sup> The Monitor noted that for 74 of the 82 (90.2%) search warrants reviewed, the Commanding Officers (COs) completed evaluations of the supervisors' presence within the mandated seven-day time period. For 73 of the 82 (89.0%) search warrants reviewed, the analyses conducted by the COs sufficiently documented the supervisors' actions.

In assessing the LAPD's compliance with subparagraph 62c in connection with search warrants executed, the Monitor noted that for 79 of the 82 (96.3%) search warrants reviewed, the analyses were documented on the supervisors' filed employee comment sheets.

Based on the foregoing, the Monitor finds the LAPD in non-compliance with subparagraphs 62a and b, and in compliance with subparagraph 62c.

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

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

### *Background*

The Monitor last assessed compliance with paragraph 63 during the quarter ending June 30, 2006, at which time the Monitor found the LAPD in non-compliance. In assessing compliance with this paragraph, the Monitor relied on information compiled and analyzed by CRID. For five of 11 CUOF incidents reviewed, involving eight officers, CRID was unable to verify that the officers were assigned to a non-field assignment pending their BSS consultation and notification of fitness for duty.

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<sup>16</sup> The LAPD utilizes employee comment sheets that are filed for each employee to, among other things, document an employee's performance.

<sup>17</sup> CRID accumulated information on search warrants executed during the period June through October 2006. In total, 131 such warrants were identified. CRID randomly sampled 82 of the warrants for review and analyses.

## *Current Assessment of Compliance*

During the current quarter, CRID compiled and presented information on 14 CUOF incidents selected for review by the Monitor.<sup>18</sup> All 40 officers involved in the 14 CUOF incidents were scheduled for an appointment with the BSS within 48 hours of the incidents, and all 40 officers underwent psychological examinations. Similarly, the COs of all involved officers consulted with the BSS regarding the involved officers' readiness to return to field duty. However, CRID was unable to verify that nine of the 40 officers were assigned to a non-field assignment pending a BSS consultation and notification of fitness for duty. In many cases, officers were assigned to Special Detail; however, further review determined that the officers were actually assigned to a Cruiser Task Force, Area Auto Detective Unit, a footbeat unit or an Area Task Force.<sup>19</sup> For two other officers, the CRID was unable to make a determination as documentation could not be located for the period selected for review. This translates into an overall compliance rate of 72.5% (29 of 40).

Based on the foregoing, the Monitor finds the LAPD in non-compliance with paragraph 63.

## *Paragraph 64 – Officer History Considered for Disciplinary or Non-Disciplinary Actions*

Paragraph 64 requires a manager<sup>20</sup> to consider an officer's work history, including information contained in the TEAMS II system,<sup>21</sup> the officer's CUOF history and prior tactics, when reviewing and/or making recommendations regarding disciplinary or non-disciplinary action as a result of a CUOF.

## *Background*

Once FID has completed a CUOF investigation, and prior to the UOFRB, the Use of Force Division (UOFD) reviews the investigation and prepares a form entitled, "*Officer Work History*

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<sup>18</sup> For the 14 incidents reviewed, a total of 40 officers required referral to BSS. The incidents occurred between March 2005 and December 2005. In assessing the LAPD's compliance with this paragraph, the Monitor reviewed and then relied upon the work completed by CRID.

<sup>19</sup> CRID's inspection included reviewing and comparing DPS Daily Work Sheets, Vehicle and Equipment Sign Out Sheets and Form 15.2 Interdepartmental Correspondence.

<sup>20</sup> Paragraph 29 defines a "manager" as an LAPD supervisor ranked captain or above. In interpreting the requirements of this paragraph, the Monitor noted that although it requires a manager's review, it does not specifically require the involved officer's manager. The UOFRB is comprised of at least four participants who qualify as a manager according to the Consent Decree definition.

<sup>21</sup> Until the TEAMS II system is developed, the Monitor will base compliance on the LAPD's use of its current TEAMS system.

*Review.*<sup>22</sup> At the conclusion of the Board, an involved officer's CO is questioned as to whether or not his/her review identified a pattern regarding tactics of the involved officer.

As previously identified by AD and the Monitor, TEAMS reports do not accurately reflect officers' UOF work histories other than OIS incidents. On July 9, 2004, the LAPD published a notice that was sent to all COs that "encouraged" COs to contact the UOFD for information on CUOF incidents that are not reported in TEAMS whenever it was necessary to review an officer's TEAMS record.

The Monitor last assessed the LAPD's compliance with subparagraph 64a (regarding disciplinary action) during the quarter ending September 30, 2006, at which time the Monitor found the LAPD in non-compliance. The Monitor analyzed six CUOF incidents involving 12 officers in which the officers' tactics or uses of force were adjudicated out of policy by the UOFRB, the Chief of Police and/or the Police Commission. The Monitor concluded that complaint histories were appropriately considered for eight of the 12 officers; UOF histories were appropriately considered for nine of the 12 officers; and there was no documentation of a review of tactics prior to the use of force requiring analysis for three officers.<sup>23</sup>

The Monitor last assessed the LAPD's compliance with subparagraph 64b (regarding non-disciplinary action) during the quarter ending September 30, 2006, at which time the Monitor found the LAPD in compliance.<sup>24</sup> For 13 CUOF incidents, the Monitor reviewed relevant documentation, including TEAMS reports, and determined that the UOFRB received accurate officer history information for consideration of non-disciplinary action.

## *Current Assessment of Compliance*

### *Subparagraph 64b - Officer History Considered For Non-Disciplinary Action*<sup>25</sup>

As described in the Current Assessment of Compliance for paragraph 62, above, during the current quarter, the Monitor reviewed 19 CUOF incident investigations that were investigated

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<sup>22</sup> This form documents disciplinary history that includes lethal UOF, non-lethal UOF, and complaints.

<sup>23</sup> For the remaining nine officers, a review of UOF history indicated that this consideration was not applicable.

<sup>24</sup> As described in the Introduction to this section, the Department is not in substantial compliance with paragraph 64; as a result, the paragraph (subparagraphs a and b) are being reported on by the Monitor during the three-year extension of the Consent Decree. Although the Monitor has found the Department in compliance with subparagraph 64b during the extension (specifically, during the quarter ending September 30, 2006), the Department is not yet in substantial compliance. Substantial compliance generally requires a period of sustained compliance with Consent Decree requirements, and does not necessarily result from a finding of compliance in any given review period during the extension, including compliance assessments conducted during the current. This explanation applies to assessments contained throughout this report, including those for paragraphs 62c, 74, 80ii, 81, 84, 90, 106d, 107a, and 114.

<sup>25</sup> The Monitor did not assess the Department's compliance with subparagraph 64a during the current quarter. The next assessment of this subparagraph is scheduled for the quarter ending March 31, 2007.

solely by the FID. For all 19 CUOF incidents, the Monitor reviewed relevant documentation, including TEAMS reports, and determined that the UOFRB received accurate information. The Monitor also relied on information compiled by CRID.

Based on the foregoing, the Monitor finds the LAPD in compliance with subparagraph 64b.

### 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 conformance 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 Monitor last assessed compliance with paragraph 80 as it pertains to CUOF incidents (subparagraph 80i) during the quarter ending September 30, 2006, at which time the Monitor found the LAPD in compliance with all subsections of the paragraph. The Monitor reviewed 13 CUOF incident investigations that were investigated solely by the FID. The Monitor noted that in five of the 13 CUOF incidents, allegations of misconduct occurred either at the scene of the UOF or during witness interviews shortly thereafter. However, the LAPD did not immediately initiate a complaint investigation in connection with these complaints. The Monitor also

identified instances of non-compliance in several investigations.<sup>26</sup> However, after considering the merits of 13 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.

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 and the OIG for review and presentation for adjudication to the UOFRB, the Chief of Police and the Police Commission.

### *Current Assessment of Compliance*

As described in the Current Assessment of Compliance for paragraph 62, above, during the current quarter, the Monitor reviewed 19 CUOF incident investigations that were investigated solely by the FID. The 19 incidents reviewed comprised:

- Eleven OIS incidents, of which the suspect(s) sustained a hit in seven incidents.
- Two ICDs incidents for which the cause of death was not attributed to officer actions.<sup>27</sup>
- One head-strike with an impact weapon incident in which the officer utilized his baton.
- Five incidents involving injuries requiring the hospitalization of the suspect.

The Monitor noted the following:

- For all 19 investigations reviewed, virtually all interviews were tape recorded (subsection a).<sup>28</sup>
- Interviews were conducted at times and locations convenient to the witness in 17 of the 19 investigations reviewed (subsection b).<sup>29</sup>

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<sup>26</sup> 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 five of the 13 investigations reviewed. The Monitor also noted that for four of the investigations reviewed, discrepancies in statements were not adequately addressed. Lastly, the Monitor noted that in five investigations, FID investigators utilized leading questions during interviews and the use of leading questions was most often prevalent during interviews of officers.

<sup>27</sup> 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 Law Enforcement Action Related Death (LEARD). All incidents involving a person who dies have since been and will be categorized as ICD. This Special Order revised policy to conform with California/Federal DOJ and other statewide municipal agencies.

<sup>28</sup> In total, 691 interviews were conducted ranging from seven in one investigation to 147 in another investigation. The Monitor noted that one interview of a key witness was not tape-recorded.

- Group interviews did not occur in any of the 19 investigations (subsection c).<sup>30</sup>
- Supervisors responding to the scene were interviewed regarding their conduct in all 19 investigations (subsection e).
- All appropriate evidence was collected in 12 of the 19 investigations (subsection f). For the remaining investigations the Monitor noted that either potential witnesses were not identified and/or interviewed, or photos and a diagram were not preserved; or line(s) of questioning did not delve into the subject's actions.
- Inconsistent statements were identified and addressed during the course of 13 of the 19 investigation (subsection g). In 6 investigation reports, suspect statement discrepancies were not contained or addressed or discrepancies in officer statements were not addressed.

The Monitor noted that in one CUOF incident, the subject alleged officer misconduct during the subject's interviews. Although the LAPD initiated a complaint investigation in connection with this misconduct allegation, the complaint investigation did not address all of the subject's allegations. The Monitor is concerned, as this is a recurring issue, as a similar problem was reported in the Monitor's Report for the Quarter Ending September 30, 2006.<sup>31</sup> For the incident reported on in the previous report, the Monitor has since learned that the allegation of excessive use of force was not investigated by the LAPD in a timely manner and has since gone out of statute. The Monitor has submitted a request for information regarding complaints initiated by the LAPD during the course of FID investigations in an effort to determine whether they accurately captured all allegations and whether they were investigated timely.

Finally, the Monitor also 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.<sup>32</sup> Although certain investigations were notably superiorly conducted and reported, all 19 provided adequate information to ultimately render a decision.<sup>33</sup> The Monitor agreed with the adjudications reached in all 19 investigations with regard to the officers' uses of force. The Monitor agreed with all 18

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<sup>29</sup> In one investigation, two minors were interviewed during early morning hours following the evening of the incident. In another investigation, the transcripts of heard only witnesses were not included with the investigative file to make a determination of compliance.

<sup>30</sup> In one investigation, minors were interviewed in the presence of their parent. The Monitor has historically excluded minors interviewed in the presence of a parent or guardian as a group interview.

<sup>31</sup> Refer to the Current Assessment of Compliance for subparagraph 80i in the Monitor's Report for the Quarter Ending September 30, 2006.

<sup>32</sup> Each CUOF incident is reviewed and opined upon by the UOFRB, the Chief of Police and the Board of Commissioners, respectively.

<sup>33</sup> For one incident, the UOFRB requested a supplemental investigation in order to satisfy certain questions raised during their review. The FID conducted a timely supplemental investigation that was presented to the UOFRB, at which time the UOFRB rendered its adjudication.

applicable adjudications with regard to the officers' decisions to draw their weapons.<sup>34</sup> For all 19 investigations, the Monitor agreed that the officers' tactical decisions were appropriately adjudicated.

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

## C. 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,<sup>35</sup> 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.

During the current quarter, the Monitor assessed the LAPD's compliance with subparagraph 70b. The results of our current assessment follow.

### *Paragraph 70 – Review and Approval of Booking Recommendations/Arrest Reports*

Paragraph 70 requires supervisors to review all booking recommendations and evaluate the recommendations for appropriateness, legality, and conformance with Department policy. Supervisors must review all arrest reports and supporting documentation for appropriateness, legality, and conformance with Department policy in light of the booking recommendation. Paragraph 70 has three subparagraphs:

- Subparagraph 70a requires that such reviews include a review for completeness of the information contained on the applicable forms and an authenticity review, comprising an examination for "canned" language, inconsistent information, lack of articulation of the legal basis for the action or other indicia that the information on the forms is not authentic or correct.<sup>36</sup>

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<sup>34</sup> The involved officers did not draw their weapons in one incident.

<sup>35</sup> 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.

<sup>36</sup> The Monitor considers subparagraph 70a to include all of the supervisory review requirements of the paragraph other than the specific requirements related to the charges delineated in subparagraph 70b. The LAPD has achieved substantial compliance with subparagraph 70a. Pursuant to the methodology described in the Monitor's Report for

- Subparagraph 70b requires that supervisors evaluate each incident in which a person is charged with interfering with, delaying, or obstructing a police officer (California Penal Code (CPC) § 148), resisting arrest, or assault on an officer (CPC § 243) to determine whether it raises any issue or concern regarding training, policy, or tactics.
- Subparagraph 70c requires that the quality of the supervisory reviews be taken into account in the supervisor's annual performance evaluations.<sup>37</sup>

## *Background*

The Monitor last assessed compliance with subparagraph 70b during the quarter ending December 31, 2005, at which time the Monitor found the LAPD in compliance. The Monitor relied on the findings from AD's *Arrest, Booking and Charging Reports Audit*, dated September 27, 2005,<sup>38</sup> in which AD found the LAPD in compliance with the requirements of subparagraph 70b.<sup>39</sup>

## *Current Assessment of Compliance*

In order to assess the LAPD's compliance with subparagraph 70b during the current quarter, the Monitor conducted a limited assessment of AD's *Arrest, Booking and Charging) Reports Audit*, dated September 27, 2006. The Monitor's assessment consisted of a review of the audit report, related work plan, matrices and electronic database.<sup>40</sup>

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the Quarter Ending June 30, 2006, the Monitor is not scheduled to assess compliance with this subparagraph during the extension to the Consent Decree. However, should there be any indication of backslide in terms of compliance, the Monitor will notify the parties and determine whether renewed active monitoring of such paragraphs is warranted.

<sup>37</sup> As described in the Monitor's Report for the Quarter Ending June 30, 2006, the requirements of subparagraph 70c are no longer separately assessed; instead, they are incorporated into the requirements of paragraph 54 during the extension.

<sup>38</sup> The Monitor conducted a meta-audit of AD's audit and findings and elected to rely on the audit after concluding that it was complete, accurate and reached appropriate conclusions relative to paragraph 70 and subparagraph 70b. This was described in the Monitor's Current Assessment of Compliance for subparagraph 128(2) in the Report for the Quarter Ending December 31, 2005.

<sup>39</sup> As reported by AD, of the 473 arrest packages reviewed, 6 had elements relative to paragraph 70b. Of these, AD concluded that 5 were in compliance with the requirements of the Consent Decree.

<sup>40</sup> The purpose of the Monitor's limited review was to determine if AD had used the same methodology as it had in prior compliant ABC reports audits and if AD had arrived at similar conclusions in relation to the Department's compliance. Refer to the Current Assessment of Compliance for subparagraph 128(2) for further information.

In this audit, AD found the LAPD in compliance with the requirements of subparagraph 70b. Specifically, AD selected a sample of 221 arrests from the entire population of 25,196<sup>41</sup> arrests that occurred during deployment periods 4 and 5 (April 2 through May 27, 2006). Of the 221 arrest packages reviewed, AD identified 5 that had elements relative to subparagraph 70b. AD concluded that all five were in compliance with the requirements of the Consent Decree.

Based on the foregoing, the Monitor finds the LAPD in compliance with subparagraph 70b.<sup>42</sup>

## D. 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.<sup>43</sup> 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 81<sup>44</sup>); access to information contained in

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<sup>41</sup> For the prior audit, AD confined its population to those arrests, which were considered "high risk", which were considered to be those represented by 18 specific California penal code and health and safety codes. As recommended by the Monitor, AD selected all arrests for this 2006 ABC Audit. .

<sup>42</sup> The Monitor notes that the audit also included an assessment of compliance with subparagraph 70a. AD found the Department in 65% compliance with that subparagraph. Although, as mentioned above, the Monitor is not actively monitoring subparagraph 70a, the audit's findings in connection with the subparagraph are of concern. Because AD is identifying and reporting on this non-compliance, the Monitor has not elected to renew active monitoring of subparagraph 70a. However, the Monitor will continue to track the Department's compliance with subparagraph 70a through AD's audits, as substantial compliance with the subparagraph is at risk.

<sup>43</sup> 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.

<sup>44</sup> 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.

TEAMS II for those units conducting specified complaint investigations (paragraph 83); 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 will be assessing the Department's compliance with this paragraph during the extension to the Consent Decree.

During the quarter ending September 30, 2006, the Monitor assessed the LAPD's compliance with paragraph 74, pertinent provisions of paragraphs 80ii and 81, and paragraphs 84, 85 and 90. The Monitor is scheduled to again assess compliance with these paragraphs during the quarter ending March 31, 2007.

## **E. 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.

The Monitor assessed the Department's compliance with paragraphs 102 and 103 during the quarter ending September 30, 2006, and is scheduled to again assess compliance with these paragraphs during the quarter ending September 30, 2007. The Monitor is scheduled to assess compliance with paragraphs 104 and 105 during the quarter ending June 30, 2007.

## **F. 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),<sup>45</sup> 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.

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<sup>45</sup> GEDs are part of Gang Impact Teams, which also include Community Law Enforcement and Recovery (CLEAR) units.

The Department has achieved substantial compliance with most Consent Decree requirements relative to the management of gang units.<sup>46</sup> However, it has not achieved substantial compliance 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 Department's compliance with subparagraphs 106d and 107a and during the quarter ending September 30, 2006, and is scheduled to again assess compliance with these paragraphs during the quarter ending September 30, 2007.

During the current quarter, the Monitor assessed the LAPD's compliance with subparagraph 106e(i) (detention, transportation, arrest, booking and charging of gang arrestees). The results of our current assessments follow.

### *Subparagraph 106e(i) – Gang Unit Procedures*

Subparagraph 106e(i) mandates that unit supervisors and non-supervisory officers continue to be subject to existing procedures regarding detention, transportation, arrest, processing and booking of arrestees.

### *Background*

The Monitor last assessed the LAPD's compliance with subparagraph 106e(i) during the quarter ending December 31, 2005, at which time the Monitor found the LAPD in non-compliance.

### *Current Assessment of Compliance*

In order to assess the LAPD's compliance with subparagraph 106e(i) during the current quarter, the Monitor reviewed and subsequently placed reliance on AD's *ABC Reports Audit*, dated September 27, 2006, and related audit working papers.<sup>47</sup> The Monitor reviewed AD's report, database and audit work plan to determine if AD used the same methodology when assessing if

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<sup>46</sup> 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.

<sup>47</sup> The Monitor elected to rely on the audit findings after concluding that it was complete, accurate and reached appropriate findings relative to GED arrest, transportation and detention procedures. See the Monitor's Current Assessment of Compliance for paragraph 128(2), below.

officers were subject to existing procedures regarding detention, transportation, arrest booking and charging of arrestees. The Monitor concurred with AD's findings, including its overall assessment that the Department was in non-compliance with the underlying actions and post-incident supervisory review requirements.

In its *ABC Reports Audit*, AD reviewed a sample of 91<sup>48</sup> GED arrests that occurred during the period April 2 to May 27, 2006. AD determined that GED officers were in 100% compliance with completeness requirements, which pertain to the inclusion of required documents in an arrest package. Additionally, based on AD's findings, the Monitor determined that GED officers were in 95% compliance with authenticity requirements, which pertain to canned language, inconsistent information, articulation of legal basis and other indicia that information is not authentic or correct; and 81% compliance with underlying action requirements and conformance with LAPD procedures. Finally, based on AD's findings, the Monitor determined that the LAPD was in 100% compliance with the requirements for supervisory oversight at the incident and in 59% compliance with the post-incident review requirement.<sup>49</sup>

In the Monitor's Report for the Quarter Ending December 31, 2005, the Monitor found that some of the instances of non-compliance assessed under supervisory oversight by AD should have also been held out of compliance under the requirements relative to underlying actions and conformance with Department procedures when an officer was also responsible for these anomalies. Although the Monitor believes that AD attempted to address these concerns in the current audit, as described in the Results of Monitor's Limited Review for subparagraphs 128(2), 131a, 131c-2, and 131e, below, the Monitor identified instances in this audit where AD reported anomalies as officer-only issues (in relation to underlying actions) that should have also been reported as supervisory oversight issues, and vice versa. The Monitor encourages AD to better assess each anomaly to determine if it is an officer-related issue, a supervisory oversight issue or both, and report where appropriate.<sup>50</sup>

Based on the foregoing, the Monitor finds the LAPD in non-compliance with subparagraph 106e(i).

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<sup>48</sup> Detailed information regarding the population and sample selection criteria is included in the Current Assessment of Compliance for subparagraph 128(2).

<sup>49</sup> Although AD separated out the issues regarding completeness, authenticity, conformance with Department procedures and supervisory oversight in its summary of audit findings, which includes compliance with the subparagraphs under each heading, the Monitor combined these findings to come up with one compliance percentage for each. Therefore, the Monitor's combined percentage for each objective requirement is slightly less than the lowest percentage of compliance on AD's summary.

<sup>50</sup> Since AD found the Department in non-compliance with underlying actions, conformance with Department procedures and supervisory oversight, these few anomalies did not effect overall compliance. However, it is possible that compliance will be impacted in future audits.

## G. 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).<sup>51</sup> As a result, the Monitor will be assessing the Department's compliance with this paragraph during the extension to the Consent Decree, and has completed such an assessment during the current quarter.

The Monitor assessed the Department's compliance with paragraph 108 during the quarter ending September 30, 2006, and is scheduled to again assess compliance with this paragraph during the quarter ending June 30, 2007.

## H. 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.<sup>52</sup> 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.

The Monitor assessed the Department's compliance with paragraph 118 during the quarter ending September 30, 2006, and is scheduled to again assess compliance with this paragraph during the quarter ending September 30, 2007.<sup>53</sup>

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<sup>51</sup> The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with paragraph 108 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 this paragraph.

<sup>52</sup> 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.

<sup>53</sup> In connection with paragraph 118, the Police Commission has completed interviews of 78 individuals who applied to serve as board members. Members have been selected and will attend training in March 2007. The Monitor is currently reviewing the training curriculum.

During the current quarter, the Monitor assessed the Department's compliance with requirements pertaining to eligibility criteria for FTOs (paragraph 114). The results of our current assessment follow.

### *Paragraph 114 – Eligibility Criteria for FTOs*

Paragraph 114 requires the Department to continue implementing formal eligibility criteria during the FTO selection process. The candidate must demonstrate analytical skills, interpersonal and communication skills, cultural and community sensitivity, diversity and commitment to police integrity.

### *Background*

The Monitor last assessed the Department's compliance with paragraph 114 during the quarter ending December 31, 2005, at which time the Monitor found the LAPD in compliance. The Monitor reviewed the selection packages of officers selected to serve as training officers during the period October 1, 2004 through August 31, 2005 and concluded that all officers reviewed were qualified to serve as such.

### *Current Assessment of Compliance*

In order to assess the LAPD's compliance with paragraph 114 during the current quarter, the Monitor reviewed the selection packages for a sample of 48 officers out of a total population of 92 who were selected to serve as FTOs during the period September 1, 2005 through August 31, 2006. The Monitor concluded that 45, or 94% of the officers reviewed were qualified to serve as training officers.

Based on the foregoing, the Monitor finds the LAPD in compliance with paragraph 114.

## IV. INTERNAL & EXTERNAL OVERSIGHT/MONITORING

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### 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,<sup>54</sup> an audit protocol,<sup>55</sup> and submitted annual audit plans which outline the audits to be completed in each coming year. Additionally AD has developed and run a Basic Law Enforcement Performance Auditing Course, which covers all aspects of police performance auditing.<sup>56</sup> This course, offered on a quarterly basis, has been offered 10 times and has been attended by police professionals from the US and Canada.

During the period 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 of AD's audit work and findings and, if appropriate,

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<sup>54</sup> The Audit Charter outlines AD's role, the requirement for independence, the requirement to comply with Generally Accepted Government Auditing Standards, and AD's access authorization to records, and defines the audit scope. It was approved by the Police Commission in January 2006.

<sup>55</sup> 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.

<sup>56</sup> 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.

relied on such findings in assessing compliance with that paragraph.<sup>57</sup> Instances of such reliance are clearly indicated in our reports.

Given these advancements, during the three -year extension of the Consent Decree, the Monitor has 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.<sup>58</sup>

During this quarter, the Monitor evaluated:

- The LAPD's planning and execution of integrity / sting audits (paragraph 97), and
- AD's *GED Work Product Assessment Summary Audit* (subparagraphs 131a, 131f and 131g).

The Monitor also conducted a limited review of:

- AD's *Arrest Booking & Charging Reports Audit* (subparagraphs 128(2), 131a, 131c-2 and 131e), and
- AD's *Supplemental Non-Categorical Use of Force Reports Audit* (subparagraphs 128(3), 129ii, 131a, 131c-3 and 131e).

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

Paragraph 97 requires the LAPD, via its EES, to develop and initiate a plan for organizing and executing regular, targeted, and random integrity audit checks, or “sting” operations, to identify and investigate officers engaging in at risk behavior, including, but is 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.

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<sup>57</sup> 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.”

<sup>58</sup> The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with paragraphs 127 (Sting / Integrity Audits Report Protocol), 130 (Annual Report on Complaints and Dispositions), 133 (Police Training Audit) and 134 (Skeletal Fractures Audit) 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.

## *Background*

The LAPD established the EES in order to fulfill the requirements of paragraph 97. The EES falls under the management of the CO of the LAPD's PSB. The purpose of the EES is to either 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 June 30, 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 Report* for the First and Second calendar quarters of 2006. The OIG reviewed a total of 73 EES sting and observational audits.<sup>59</sup> Forty-six of the 73 audits reviewed were random and addressed the LAPD's complaint intake policy and procedures. The remaining 27 audits addressed the following:

- Criminal misconduct
- Unlawful search (to include unlawful arrest)
- Unlawful seizure
- Excessive Force
- Immigration
- Other

The OIG concluded that on an overall basis, the EES conducted quality audits, the audit packages were complete and EES' findings were adequately supported.

In its meta-audit of the OIG's work, the Monitor randomly selected and reviewed a total of 42 audits. Based on its review, the Monitor elected not to expand the sample for review. In most instances, the Monitor agreed with the conclusions reached by the EES. However, the Monitor disagreed with the analysis and conclusions reached by the EES in two audits. For one audit, the Monitor concluded that administrative issues should have rendered a lower evaluation. For the

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<sup>59</sup> The EES completed a total of 185 audits during the first and second calendar quarters of 2006. The EES conducted 156 complaint intake audits and 29 sting audits.

other audit, the Monitor concluded that the EES should have adjudicated the audit as a fail.<sup>60</sup> Due to the confidential nature of the EES' role, the specifics of the Monitor's evaluations have been communicated to the LAPD and the OIG separately.

The Monitor noted that in three 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. The Monitor notes that these issues are not specific to the requirements of paragraph 97 but, as previously reported and discussed with both the LAPD and the OIG, merit attention.

Based on the foregoing, the Monitor finds the LAPD in compliance with paragraph 97.

### **Subparagraphs 128(2), 131a, 131c-2, and 131e: Arrest Booking & Charging Reports Audit**

Subparagraph 128(2) requires the Department to conduct regular, periodic audits of stratified random samples of ABC reports. Paragraph 128 further requires that such audits include a review for completeness, authenticity and consistency of the information contained; appropriateness, legality and conformance with Department policies; and supervisory oversight of the applicable incident or any post-incident review.

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. These requirements are monitored by AD during this audit and assessed more fully in relation to the Monitor's evaluation of the GED Work Product Assessment Summary audit.<sup>61</sup>

Subparagraph 131c-2 requires the Department to conduct regular, periodic audits of a stratified random sample of all gang unit arrest booking and charging reports. This subparagraph requires assessment of the same qualitative factors that are required in subparagraph 128(2).

Subparagraph 131e requires the Department to conduct regular, periodic audits of the roles and conduct of supervisors of gang units covered by paragraph 106.

### ***Background***

Since 2004, the Monitor has found all of AD's *ABC Reports Audits* in compliance.<sup>62</sup>

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<sup>60</sup> The OIG reached a similar conclusion.

<sup>61</sup> See Monitor's review of GED Work Product Assessment Summary Audit below.

<sup>62</sup> The Monitor also found AD's September 2002 *ABC Reports Audit* in compliance.

## *Results of Monitor's Limited Review*

During the current quarter, the Monitor reviewed AD's *Arrest, Booking and Charging Reports Audit* dated September 27, 2006, the related work plan, matrices and electronic database. Because the Department is in substantial compliance with Consent Decree requirements relative to ABC reports audits, the Monitor did not conduct a detailed review 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 ABC reports audits and if AD had arrived at similar conclusions in relation to the Department's compliance with the Consent Decree.

The Monitor determined that AD had, in fact, used the same basic methodology for completing this audit as it used in prior compliant audits of ABC reports. In addition, AD refined its objectives and matrix questions to incorporate some of the Monitor's recommendations from the prior audit. The Monitor's other observations, which have been discussed with AD, are highlighted below:

- In its assessment of the ABC audit during the quarter ending December 31, 2005, the Monitor recommended that when reviewing arrests to ensure they conform with paragraph 73, AD test to ensure the Watch Commander who signs off on the detention log has not otherwise been involved in the arrest itself. In this audit, AD did not incorporate an additional test to confirm the person signing as the Watch Commander was not involved in the arrest, other than to review the arrest report and supporting documentation. AD indicated that the proposed audit procedure was inadvertently omitted but will be included in future audits.
- The Monitor commends AD for diligently identifying and reporting on issues regarding the underlying actions of the officers involved in the incidents, including their articulation of legal basis and conformance with Department procedures.<sup>63</sup> However the Monitor identified instances in this audit where AD reported anomalies as officer-only issues (in relation to underlying actions) that should have also been reported as supervisory oversight issues, and vice versa. The Monitor encourages AD to better assess each anomaly to determine if it is an officer related issue, a supervisory oversight issue or both and report where appropriate.
- The Monitor commends AD for reviewing each of the arrests in its sample for possible 70b events<sup>64</sup> and their related issues. Given the low number of incidents involving 70b events in AD's sample, the Monitor recommends that in addition to reviewing all arrests for possible

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<sup>63</sup> Refer to the Current Assessment of Compliance for subparagraph 106e(i) for further information regarding this issue and the Monitor related recommendation included in its Report for the Quarter Ending December 31, 2005.

<sup>64</sup> As reported above, subparagraph 70b requires supervisors to evaluate each incident in which a person is charged with interfering with a police officer (CPC 148), resisting arrest, or assault on a police officer to determine whether it raises any issue or concern regarding training, policy or tactics. AD identified 5 arrests that involved 70b events in its sample.

70b issues, AD should consider selecting a separate sample of arrests where the primary charge is a 70b event and review these for policy, training and tactics.

- AD indicated in its audit work plan and the audit scope that this audit evaluated subparagraphs 106e(i) and 106e(vii). The audit report provides an assessment for subparagraph 106e(vii) and identifies all of the anomalies that impact subparagraph 106e(i), but it does not provide an overall compliance assessment for subparagraph 106e(i).

Based on our limited review and the foregoing findings, the Monitor did not identify any issues that suggest that the quality of this audit varied significantly from prior audits of this topic or that subparagraphs 128(2), 131c-2 or 131e require active monitoring. As a result, the Monitor finds the LAPD in compliance with these subparagraphs. The Monitor is reporting on its assessment of the Department's compliance with subparagraph 131a in a separate section below.

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

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 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. These requirements are monitored by AD during this audit and assessed more fully in relation to the Monitor's evaluation of the GED Work Product Assessment Summary audit.

Subparagraph 131e requires the Department to conduct regular, periodic audits audit of the roles and conduct of supervisors of GED units covered by paragraph 106.

### *Background*

The Monitor found the LAPD's NCUOF audits submitted in June 2005 and June 2006 in compliance with the required subparagraphs.<sup>65</sup>

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<sup>65</sup> The Monitor also found the LAPD's NCUOF audit submitted in December 2003 in compliance.

## *Results of Monitor's Limited Review*

During its *Non-Categorical Use of Force Audit*, dated June 30, 2006, AD identified 17 officers who were involved in a UOF for which an investigation was not completed at the time of that audit. AD waited until the UOFD had completed its investigations before reviewing these incidents and then, on September 28, 2006, submitted a *Supplemental Non-Categorical Use of Force Audit*, dated September 28, 2006. During the current quarter, the Monitor reviewed this supplemental audit. Because the Department is in substantial compliance with Consent Decree requirements relative to NCUOF incidents and investigations, the Monitor did not conduct a detailed review of this supplemental audit, and the Monitor did not assess whether it is in compliance with pertinent Consent Decree requirements. 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.

The Monitor determined that AD had, in fact, used the same methodology for completing this audit as it used in prior compliant audits of NCUOF incidents. After incorporating the results of its review of the 17 UOF investigations with the results of the *Non-Categorical Use of Force Audit*, completed June 30, 2006, AD only marginally changed the compliance assessments reported in their June report for most objectives. The objective most impacted by the addition of the 17 additional investigations was the evaluation of timeliness of the review, which saw its compliance rate decrease from 98% to 94%.<sup>66</sup>

The Monitor will continue to rely on AD's assessments in order to determine if the Department is in compliance with the requirements assessed in paragraphs 128 and 129. Based on the findings in the NUCOF audit and Supplemental NCUOF audit, the Department is in non-compliance with following requirements: the evaluation of inconsistent information (paragraph 128), evaluation of on-scene supervision (paragraph 128), evaluation of post incident review (paragraph 128), evaluation of investigator's representation of statements objectives paragraph 129ii(c), interviewing all at scene supervisors (subparagraph 80e), and tape recording all level one interviews (paragraph 129ii(c)).

Based upon our limited review and the foregoing findings, the Monitor did not identify any issues that suggested that subparagraphs 128(3) or 131c-3 should be actively monitored or that the quality of this audit varied significantly from prior audits of this topic.<sup>67</sup> As a result, the Monitor finds the LAPD in compliance with these subparagraphs. The Monitor will continue to

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<sup>66</sup> Two other objectives that were impacted were Evaluation of Investigator's Representations (compliance rate increased from 79% to 83%) and Tape Record All Level I Interviews (compliance rate decreased from 92% to 87%). However, neither of these objectives changed from compliant to non-compliant, or vice versa, as a result of the addition of the 17 investigations reviewed in the supplemental audit.

<sup>67</sup> Although the LAPD is non-compliant with certain requirements, the Monitor does not believe active monitoring is required in this area, as the instances of non-compliance are being identified and appropriately reported by AD.

review for subparagraph 131e in each of the appropriate paragraph 128 audits and has assessed 131a below.

### *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 a stratified random sample 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.

### *Background*

For the quarters ending June 30, 2002 through June 30, 2003, the Monitor concluded that the Department was in non-compliance with the subparagraph 131a requirement to conduct regular periodic audits of this topic, as an audit of the gang unit work product had not been completed during that time period.<sup>68</sup>

For the quarters ending September 30, 2003 through March 31, 2004, although the Department completed three successive high-quality audits<sup>69</sup> in connection with subparagraph 131a, the Monitor continued to find the Department in non-compliance due to the fact that the audits were conducted by AD rather than by the SOSD.<sup>70</sup> During the quarter ending December 31, 2004, the Monitor completed its review of AD's *GED Work Product Audit Report* dated June 24, 2004 and

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<sup>68</sup> The Monitor's Reports for the Quarters Ending March 31, 2003 and June 30, 2003 state that there are three aspects to this audit that must be completed to meet the standards of the Consent Decree: BGCs must perform the audits required by subparagraph 106h; the Department must review and evaluate the substance of these audits for any risk management issues and a summary must be prepared thereof; and lastly, the Department must conduct a meta-audit to assess the quality of the subparagraph 106h audits.

<sup>69</sup> These audits were completed on October 3, 2003, December 26, 2003 and March 30, 2004. Each of these audits reviewed all of the work product for one month for four or five Divisions, resulting in all of the Divisions being covered by the end of the year.

<sup>70</sup> As noted above, the Consent Decree was amended to allow AD to assume the responsibility for conducting the audits. As a result, this issue no longer impacted compliance beginning with the quarter ending September 30, 2004.

the two supplemental *GED Work Product Patterns Audits* dated September 28, 2004 and September 17, 2004 and found the Department in compliance with subparagraphs 131a and 131c-2. The Monitor understood at that time that the results of the four *GED Work Product Audits* would be accumulated at the end of the year to enable a review of patterns for the Department and a review of the work product as a whole. This final report was not issued. Instead, at the end of 2004, the Monitor was informed that AD would be instituting a new audit entitled the *GED Command Accountability Performance Audits (CAPAs)*, which would be detailed audits of two Divisions at a time, covering all Divisions over a two year period.<sup>71</sup>

During the quarter ended December 2005, the Monitor completed its review of AD's *Gang Enforcement Detail Work Product Assessment Summary* dated September 29, 2005 and concluded the Department was out of compliance with paragraph 131a. While AD included the results of the CAPAs and the paragraph 128 audits in its assessment, the report did not include an assessment of the BGC inspections and therefore did not assess the work product of the unit as a whole. Additionally it did not provide sufficient detail and analysis of any trends or anomalies that occurred between officers and supervisors or whether the patterns were training issues or serious risk management issues.

### *Current Assessment of Compliance*

In order to assess the Department's compliance with subparagraph 131a, the Monitor reviewed AD's *Gang Enforcement Detail Work Product Assessment Summary*<sup>72</sup> report dated September 28, 2006, the related work plan, a sample of the ten paragraph 128 audits completed between October 2004 and June 2006,<sup>73</sup> the seventeen CAPAs completed between March 2005 and August 2006,<sup>74</sup> and supporting working papers and AD's database summarizing its

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<sup>71</sup> CAPAs were not meant to be Consent Decree audits that were to be reviewed by the Monitor or the OIG; they were designed to be management tools to provide timely and useful feedback to COs regarding Areas' GED work product, supervision, deployment, gang intelligence gathering and rejected case filings. The Monitor reviewed copies of the Master Audit Work Plan and the Audit Matrices for the CAPAs and noted that many of the matrices used for the CAPAs were also used for the paragraph 128 audits (the ABC audit, NCUOF audit and Search Warrant audit).

<sup>72</sup> 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.

<sup>73</sup> These audits, which have been previously reviewed by the Monitor as part of paragraph 128 and subparagraph 131c, include the *Audits of Arrest Booking and Charging Reports* dated October 12, 2004, and September 27, 2005 *Motor Vehicle and Pedestrian Stop Data Collection Audits* dated March 28, 2005 and March 24, 2006, the *Warrants Application and Supporting Affidavits Audits* dated February 28, 2005 and April 10, 2006, *Audits of Confidential Informant Control Packages* dated June 29, 2005 and June 29, 2006, and the *Non-Categorical Use of Force Reports Audits* dated June 30, 2005 and June 30, 2006.

<sup>74</sup> These 17 CAPA reports covered all GED units except Mission and Hollenbeck.

findings.<sup>75</sup> The Monitor also reviewed a sample of BGC inspections assessed by AD as part of this audit.

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

- AD concluded that the activities of some officers and supervisors identified during this audit suggest that additional review and analysis of their work product is required. Accordingly, AD will conduct a phase II of this audit and the results of this review will be addressed in a second audit report. The Monitor concurs with AD that further work is required.
- The Monitor commends AD for its development of a database and the extensive analysis that summarizes the anomalies from each of the paragraph 128 audits and the CAPAs. The Monitor identified several instances in which information from the underlying audit reports did not appear to be correctly recorded in the database. In addition, the Monitor identified instances in which information in the audit report did not appear to be consistent with information in the database.
- AD provided definitions of high, medium and low risk that were used in assessing whether there were areas of concern with the officers' behavior. While the Monitor believes these are generally good definitions, the Monitor determined that AD appeared to be inconsistent in applying these definitions, both within its audit report and the database. These inconsistencies will impact the AD's overall assessment of which officers to review going forward.
- AD completed a detailed analysis comparing the results of the paragraph 128 audits and CAPAs to the BGC inspections.<sup>76</sup> This analysis identified four inspections in which the compliance rates in such inspections were 14-18% higher than the compliance rates determined in the audits.<sup>77</sup> While the Monitor does not expect AD to conduct meta-audits of the BGC inspections, AD should have provided at least a qualified statement with its observations or conclusions regarding the work of the BGCs and the overall reliability of their inspections.<sup>78</sup> Instead, AD issued a qualification regarding the differences between audit and inspection standards, scopes, timeframes, and sources of data, but did not provide any conclusions or observations regarding the work of the BGCs.
- The Monitor commends AD for using information from the BGC inspections when planning its CAPAs and paragraph 128 audits. This suggests that the inspections are providing useful insights for AD, a fact that AD should have mentioned in its report.

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<sup>75</sup> The Monitor's sample focused on reports added to the database since the last GED assessment audit and was chosen using a one tailed test with an error rate of +/- 7% and a 95% confidence interval

<sup>76</sup> The Monitor contends that the BGC inspections are part of the gang work product as a whole and therefore should be included in this assessment.

<sup>77</sup> Fifteen inspections had compliance rates within 1-9% of the compliance rates determined in the audits.

<sup>78</sup> AD disagreed with this finding, and does not believe AD is required to assess the quality of the BGC inspections.

- The Monitor commends AD for identifying that the Department needs to place emphasis on GED management and supervisory oversight practices. Based on AD's working papers, it was apparent that AD also identified concerns regarding probable cause, inconsistent information, and supervisory oversight that are being addressed in a Phase II report; however, AD's Phase I report did not identify these issues as concerns.
- Subparagraph 131f includes a requirement for AD to review CUOF incidents requiring supervisory review pursuant to paragraphs 62 and 64. AD did not include information from its CUOF audits in its analysis, audit work plan or audit report.<sup>79</sup>
- The Monitor commends AD for identifying additional at-risk officers and supervisors. The Monitor is in discussions with AD regarding its plans for further reviewing the findings to-date and other analyses to be completed during phase II of this audit.

The Monitor commends AD for the progress it has made in conducting this analysis and pulling the results of these audits together to evaluate the work of LAPD's gang units as a whole. AD is reviewing the apparent inconsistencies identified by the Monitor, and will be correcting any inconsistencies prior to the next phase of the audit. The Monitor will further review the data provided to-date and will complete its review when Phase II of this audit is completed. Based on the foregoing, the Monitor is withholding a determination of compliance for subparagraph 131a.

## B. INSPECTOR GENERAL REVIEWS & AUDITS

The Consent Decree mandates that the OIG assess the quality, completeness and findings of LAPD audits, and that the OIG perform independent audits of certain topics, namely UOF incidents and complaints. The Consent Decree also requires the OIG to review and evaluate all CUOF incidents and provides that the IG shall be notified of all such incidents in a timely manner. In addition, the IG may observe all CUOF "rollouts" and may attend UOFRB meetings. The IG's observations, reviews and evaluations are reported to the Police Commission for consideration. The IG shall also accept complaints from LAPD officers and review all complaint intake information to ensure that they are being received in a manner that complies with LAPD policies and procedures, and the terms of the Consent Decree.

The OIG's overall goal is to step into the Monitor's role of providing civilian oversight for the Department. Over the past five years, the OIG has developed a professional audit team that includes police performance auditors and special investigators who have the expertise to ensure the OIG meets its mandate. In particular, the OIG made significant strides in 2005 and the first nine months of 2006 in successfully implementing its role, completing timely meta-audits that were quality reviews of the audits completed by AD and the EES during this period. Additionally the OIG conducted its own audits of complaints, CUOF and NCUOF investigations.

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<sup>79</sup> AD indicated that the incidents included in the 2004/2005 and 2005/2006 CUOF audits were reviewed and AD did not identify any anomalies involving GED officers.

Each of these reviews and audits provided insightful comments, conclusions and recommendation to the Police Commission.

During the current quarter, the Monitor assessed the quality of the OIG's audit review process in general and of its reviews of several Department audits issued during August to November 2006.<sup>80</sup>

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

Paragraph 135b includes the requirement for the OIG to evaluate LAPD 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 21 quality reviews.

#### *Current Assessment of Compliance*

The Monitor reviewed the following OIG reports and compared the OIG's findings to the Monitor's findings from its review of the same AD reports, AD audit work papers, and sampling documentation:

- OIG's August 8, 2006 review of *EES's Quarterly Report for the First Quarter 2006* and November 15, 2006 review of *EES's Quarterly Report for the Second Quarter 2006* (paragraphs 97 and 127);
- OIG's October 5, 2006 review of AD's *Non-Categorical Use of Force Reports Audit* (subparagraph 128(3));
- OIG's October 5, 2006 review of AD's *Confidential Informant Control Package Audit* (subparagraph 128(5));
- OIG's October 5, 2006 review of AD's *Categorical Use of Force Investigations Audit* (subparagraph 129i); and,

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<sup>80</sup> The parties have agreed, and the Monitor concurs, that the Department has achieved substantial compliance with subparagraph 135a (Timeliness of Transmittal of LAPD Audits to OIG), paragraph 139 (Recording, Tracking & Investigation of Retaliation Complaint), and paragraphs 147-153 (requirement relating to the operations of the inspector general) from the sections of the Consent Decree that directly involve the OIG. 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.

- OIG's October 5, 2006 review of AD's *GED Selection Criteria Audit* (subparagraph 131b).

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

- The OIG's reports were well-organized and contained clearly reported findings and insightful comments for the Department to consider.
- The OIG appropriately found that the EES reports for the first and second quarters of 2006 were complete, conducted in a quality manner, and had findings that were well supported. The Monitor identified the following issues that were not identified by the OIG:
  - While the LAPD requires that only the CO and senior personnel (Detective III's) have access to the drugs used in sting audits, the Monitor noted that a sergeant who maintains the records also has access to the safe used to store such drugs. The CO of the EES assured the Monitor that the individual who maintains the records of drugs received will not have access to the safe.
  - In one sting audit, assessed by EES as a professional arrest and classified as "pass," the Monitor noted that the officer was smoking during the arrest, did not know how to complete an FDR and used profanity when addressing the undercover arrestee. The Monitor concluded that the arrest was unprofessional and assessed the arrest as "pass-substandard."
- The OIG found the *Non-Categorical Use of Forces Audit*, the *Confidential Informant Control Package Audit*, *Categorical Use of Force Investigations Audit*, and *GED Selection Criteria Audit* to be quality audits that included well-supported findings. Although the OIG identified some additional findings not identified by the AD in the latter three audits, the findings did not impact the overall quality of the audits.
- In the *GED Selection Criteria Audit*, the Monitor identified the following issues that were not identified by the OIG:
  - The date of the oral interview in one package was after the date of approval by the supervisor completing the review.
  - During its review of extensions of officers' time in GED, AD did not assess the timeliness of the TEAMS reports. The Monitor did so, and identified one package in which the TEAMS report was dated ten months prior to the date on which the CO approved the extension request.
  - The Monitor commends the OIG for identifying that suitability interviews took place. However, AD and the OIG also need to assess whether the documentation of the

interview appropriately covers the topics meant to be evaluated during the suitability interview.<sup>81</sup>

- The Monitor commends the OIG for reviewing to ensure that supervisors had reviewed sustained complaints, and identifying inaccuracies on one complaint as required by Special Order No. 43 (December 2005). However, the Monitor is concerned that supervisors are not providing adequate documentation as to the nature of the complaint and why complaints did not impact the officers' selection to or continued service in a GED unit. The Monitor recommends that both AD and the OIG continue to ensure that supervisors provide sufficient documentation in this regard.

Although there were a few issues identified by the Monitor that were not identified by the OIG in its reviews described above, these issues did not impact the overall conclusions reached by the OIG. Accordingly, the Monitor concluded that the OIG's *Reviews of EES's Quarterly Reports for the First and Second Quarter 2006 and AD's Non-Categorical Use of Forces Audit, Confidential Informant Control Package Audit, Categorical Use of Force Audit and GED Selection Criteria Audit* were quality reviews. The OIG has now completed a total of 27 quality reviews of LAPD audits.

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

### *Proposed Recommendations*

In connection with the *GED Selection Criteria Audit*, although it was apparent that both AD and the OIG identified concerns and reviewed the issue of extensions beyond 65 deployment periods (DPs), the Monitor is concerned over the lack of clarity regarding extensions beyond the 65 DPs as required by subparagraph 106d of the Consent Decree, Special Order No. 7 (February 2004) and Special Order No. 27 (July 2003). The City has indicated that it is aware of this issue. Going forward, the Monitor encourages both AD and the OIG to continue to assess and review for extensions beyond 65 deployment periods.

## 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

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<sup>81</sup> The Monitor agrees with the OIG's report and Special Order No. 7, which requires the suitability interview to include the name of the interviewer, date of interview and a summary of discussion detailing suitability for GED assignment.

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.<sup>82</sup>

During the quarter ending September 30, 2006, the Monitor assessed compliance with requirements regarding the Commission's review of audits (subparagraph 143a). During the current quarter, the Monitor assessed compliance with the requirement that the Commission annually issue a publicly available report detailing its findings regarding CUOF incidents (subparagraph 142b). The results of our current assessment follow.

### **Paragraph 142 – Police Commission/Inspector General Review of all CUOF**

Paragraph 142 is related to paragraphs 67 and 136, which require the Police Commission and the IG to continue to review all CUOF. In addition, it requires that the Police Commission determine whether an officer's conduct conforms to LAPD policies, procedures and the requirements of the Consent Decree. Paragraph 142 also requires the Police Commission to annually issue a publicly available report detailing its findings regarding CUOF incidents.

### ***Background***

The Monitor last assessed the Department's compliance with the subparagraph 142b, which requires the Police Commission to annually issue a publicly-available report detailing its findings regarding CUOF incidents, during the quarter ending September 30, 2005. The Monitor found the Department in compliance with this requirement.

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<sup>82</sup> 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.

## *Current Assessment of Compliance*

### *Subparagraph 142b: Annual Report on CUOF Incidents*<sup>83</sup>

The OIG submitted its Annual CUOF Report for 2005 to the Police Commission on August 28, 2006. The Police Commission approved the Annual Report on September 12, 2006. The report notes that on June 2, 2005, the United States District Court approved the amendments to Consent Decree paragraph 13. These amendments revised paragraph 13 to exclude Negligent Discharges and On-Duty Animal Shootings from the definition of Categorical Uses of Force.<sup>84</sup> The Police Commission noted that Negligent Discharges and On-Duty Animal Shootings do not always warrant the immediate response and investigative resources as do other officer involved shootings and these investigations have been transitioned from FID to Divisional Commands. However, if warranted, FID retains the discretion to conduct an immediate response and investigation of Negligent Discharges and On-Duty Animal Shootings. The adjudication process for these incidents will remain the same.<sup>85</sup>

The focus of the 2005 Annual Report includes CUOF incidents that occurred during calendar year 2005 and all the CUOF incidents that were adjudicated by the Police Commission during calendar year 2005.

In 2005, there were 78 incidents involving a CUOF, 44 of those involved an OIS. The Police Commission reviewed a total of 122 CUOF during this period.<sup>86</sup> In the report, the IG discussed the CUOF cases that resulted in a finding of “in policy, training,” “accidental, administrative disapproval” or “out of policy, administrative disapproval” for the use of lethal force. The OIG noted that the Commission adopted the recommendations of the Chief in 118 of the 122 cases it reviewed in 2005.<sup>87</sup>

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<sup>83</sup> The LAPD has achieved substantial compliance with subparagraph 142a, which comprises the remaining requirements of paragraph 142. Pursuant to the methodology described in the Monitor’s Report for the Quarter Ending June 30, 2006, the Monitor is not scheduled to assess compliance with this subparagraph during the extension to the Consent Decree. However, should there be any indication of backslide in terms of compliance, the Monitor will notify the parties and determine whether renewed active monitoring of such paragraphs is warranted

<sup>84</sup> “The term ‘Categorical Use of Force’ means (i) all incidents involving the use of deadly force by an LAPD officer, except for non-tactical accidental discharges and animal shootings.”

<sup>85</sup> The Chief of Police will continue to recommend findings to the Police Commission, and the OIG will continue to review these incidents to ensure that the investigations are comprehensive and make recommendations to the Police Commission.

<sup>86</sup> This includes the following: 78 OIS incidents, (4 were negligent discharges and 19 were animal shootings). The remaining consisted of 12 Law Enforcement Related Injury; 15 Head Strike With an Impact Weapon, 14 In-Custody Death, 2 Upper Body Control Hold, and one K-9 Bite.

<sup>87</sup> In the first case, the Commission adopted all the Chief’s recommendations except the recommendation that two officers’ use of deadly force was found out of policy, administrative disapproval. The Police Commission determined that the officers’ use of force was in policy, but warranted training. In the second case, the Chief determined that both officers’ tactics were deficient and recommended out of policy, administrative disapproval.

The IG noted that there was an improvement in the verification of directed training for officers who were recommended to receive training as a result of CUOF. The report indicated that in 2005 there were 72 officers who were directed to formal training; of that number, 59 officers' TEAMS/TEAMS II reports indicated training that appeared to be relevant to the recommended training. However, for the remaining 13 officers, the IG had difficulty in determining from the TEAMS/TEAMS II reports whether the officers received the ordered training. The OIG noted that it will continue to monitor this issue, as the Department continues to improve the documenting of training. In order to verify that training has been completed as ordered by the Chief or the Commission, the OIG has requested that the Department report to the Police Commission, on a monthly basis, all directed training received by those officers who were involved in a CUOF. The Monitor concurs with this request.

Additionally, on May 31, 2006, the Department implemented Special Order No. 17, *Training Update Subsequent to a Categorical Use of Force, Animal Shooting, Non-Tactical / Accidental or Negligent Discharge of a Firearm*, which provides Department personnel with training on significant issues raised during the initial stages of a CUOF investigation. This training is to be provided to involved officers within 21 days of the incident. The OIG will monitor the Department's adherence to this Special Order to ensure that Department personnel receive the appropriate training. The Monitor fully concurs with the implementation of this Special Order, as it allows Department personnel to receive directed training soon after the incident, rather than waiting for the CUOF incident to be completely investigated by FID and then adjudicated.

Based on the foregoing, the Monitor finds the Department in compliance with subparagraph 142b.

## 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.

During the current quarter, the Monitor assessed the LAPD's compliance with the requirements of this section.

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The Police Commission determined that one of the officer's tactics was in policy and warranted training. The third case involved four officers for whom the Chief recommended in policy, no action with regard to the use of force. The Police Commission found one of the officer's use of force to be out of policy, administrative disapproval. In the fourth case, the Chief found the lethal use of force used by a detective to be in policy, no action. The Police Commission found that the detective's use of force to be out of policy, administrative disapproval.

## Paragraph 154 – Recommendations to Improve Deficiencies

Paragraph 154 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 Police Commission, the Inspector General (IG), and the Department under the Consent Decree.

Although the City disagrees that this paragraph requires any action by the LAPD, CRID has developed a Recommendations Tracking System (RTS), which is used to generate an *Audit Recommendations Status Report* for the Police Commission. This report lists the recommendations from recent LAPD audits and reviews, and tracks the steps undertaken to address such recommendations. Additionally, the OIG implemented a system in early 2005 to track the audit recommendations made from its review of the EES quarterly reports.

### *Background*

Prior to the quarter ending December 31, 2004 the Monitor concluded that the Department was in non-compliance with paragraph 154, as neither the City nor the Department had developed a process to track LAPD audits or the system in place was not completed.

During the quarters ending December 31, 2004 and December 31, 2005, the Monitor reviewed CRID's *Audit Recommendations Tracking Reports*, for the preceding quarters<sup>88</sup> and printouts from the OIG's recommendations tracking system for the EES audits, and concluded the Department was in compliance with this paragraph.

### *Current Assessment of Compliance*

During the current quarter, the Monitor reviewed three *Audit Recommendations Status Reports*, dated March 15, 2006 (*Fourth Quarter 2005*), July 26, 2006 (*First and Second Quarters 2006*), and November 2, 2006 (*Third Quarter 2006*), and compared them to the *Audit Recommendations Status Report - Third Quarter 2005* dated December 22, 2005, the LAPD's Annual Audit Plans for 2005/2006 and 2006/2007 and the Monitor's report for the Quarter ending December 31, 2005. The Monitor also held discussions with representatives of CRID and the OIG to review the process in place to track specified audit and non-audit recommendations.<sup>89</sup>

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

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<sup>88</sup> This report included recommendations from AD's audit reports and the OIG's reviews issued up to October 8, 2004, as well as the Annual Retaliation report, The Mental Illness Audit and the OIG's paragraph 136 NCUOF reports and Complaint Investigation Form 1.28 reports.

<sup>89</sup> The specified audits that are tracked are detailed in Directive 1-04 from CRID, dated April 15, 2004, which lists Consent Decree-mandated Department audits as well as certain other specified audits.

- The Monitor commends CRID for significantly expanding the system used to track the audit reports and their corresponding recommendations to include GED CAPAs for six geographic Areas. Only one audit recommendation was not tracked, from the *Complaint Form 1.28, Investigations Audit Report* dated December 27, 2005.
- Due to the confidentiality of EES audits, the OIG maintains a system for tracking recommendations that originate from its review of such sting audits. The Monitor reviewed the system and determined that the database includes all OIG recommendations from its reviews of the EES audits and the status of the recommendations. In addition, the status of the OIG's recommendations was appropriately updated in subsequent quarterly reports.
- The Monitor confirmed that the *Audit Recommendations Tracking Report* dated July 26, 2006 included recommendations from all the specified Consent Decree audit reports completed from July 1, 2005 through June 30, 2006. The Monitor also confirmed that the specified audit reports completed from July 1 to September 30, 2006 were included in the November 2, 2006 *Audit Recommendations Tracking Report*.
- The Monitor noted that recommendations arising from the BGC inspections completed under subparagraph 106h were not included in the LAPD's *Audit Recommendations Tracking Reports* prepared by CRID. The Department reports deficiencies and recommendations from the inspections at bi-weekly BGC meetings and through COMSTAT.<sup>90</sup> The deficiencies are also re-tested through subsequent inspections. Lastly, AD uses the findings from the inspections to direct aspects of the paragraph 128 and CAPAs and then makes recommendations that are tracked. The Monitor believes these are appropriate, timely and reasonable steps taken to correct the identified deficiencies and recommendations in the BGC inspections.
- Audit reports that had recommendations either implemented or determined not to be feasible were not included in subsequent quarterly reports. The Police Commission was appropriately notified of any closing of recommendations. Supporting documentation was provided to justify the closure of those recommendations that were not implemented.

CRID has done an admirable job in designing and maintaining a database for tracking audit recommendations, and keeping their server containing supporting documentation up-to-date. It is in the best interests of the Department to maintain this recommendations tracking process after the Consent Decree ends and to determine which entity is best suited to perform such tracking. To that end, the Monitor will work with the Department on how best to achieve this goal. The result of this collaboration will be reported on in future quarters.

Based on the foregoing, the Monitor finds the LAPD in compliance with paragraph 154.

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<sup>90</sup> At these meetings, Division Captains must explain the inspection results and how deficiencies are being resolved in their Divisions.

## V. CONCLUSION

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We have, during this quarter, continued to look at a significant number of paragraphs with which the City had yet to achieve overall compliance during the initial five-year period of the Decree. The fact that only four of the 24 paragraphs that we looked at remain out of compliance is a testament to the progress that the City continues to make. Additionally, we are pleased with the progress on TEAMS II (paragraphs 40-52) and financial disclosure (paragraph 132). As noted in our focus issue on biased policing, we do believe that there is some significant work that needs to be done relative to the investigation of allegations of biased policing. We will continue to discuss this issue with both the City and DOJ. As described in our focus issue on internal oversight, we are very pleased with the progress that has been made by both the Audit Division, as supported by CRID, and the OIG, as supported by the Police Commission. Overall, the City continues to move forward towards its goal of full substantial compliance with the Consent Decree.