THE LOS ANGELES POLICE



VOLUME XLIV ISSUE 3 SEPTEMBER 1998

Clarification of the Complaint Policy

The newly instituted Los Angeles Police Department (LAPD) Disciplinary System has generated significant interest from the news media, citizens and officers alike. Since its inception on January 1, 1998, there have been many questions but very few answers to some of the most basic of them, which has caused concern among the rank and file. This article will address the most common concerns surrounding the complaint system.

Are supervisors investigating even the most frivolous complaints?

Commanding officers retain some discretion whether to initiate complaints. The first consideration is: Does the complaint amount to misconduct, as defined by Department policy? If so, the commanding officer has little discretion; a complaint shall be initiated. If it does not amount to misconduct on its face, the commanding officer should consider the degree to which the complaint affects three factors: accountability, service, and liability. The change in policy was especially directed at complaints from the public. Accounting for public complaints, including those that do not necessarily amount to misconduct, can raise the Department's credibility with the public. Investigations of such nonmisconduct complaints can also give managers the ability to provide corrective action for employees and ultimately improve service. Moreover, early identification of problems can avert misconduct from occurring in the future. Capturing and classifying complaints gives managers more opportunities to evaluate community satisfaction and concerns and ultimately improve service. Finally, the new policy allows the Department to retrieve nonmisconduct

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complaint investigations, which were not previously retrievable. The ability to retrieve nonmisconduct complaint investigations gives the Department the ability to confront plaintiffs in court with their own statements if they later sue the Department for claims they did not originally bring to the Department's attention. Public complaints against Department policies or procedures give the Department the opportunity to educate the public on matters of law and approaches to law enforcement. Supervisors taking such complaints also have an affirmative duty to help the public understand Department policies and procedures when they are questioned.

Complaints that are initiated and later found to be frivolous, as defined under the Code of Civil Procedure 128.5, are precluded by law from being attributed to any employee in a personnel record, including TEAMS (Training, Evaluation and Management System) and complaint histories. Commanding officers have received training on this issue and are thus aware of the provision; however, complaints must be investigated before they can be ruled as frivolous, by the legal standard of the term.

Is the perception correct that officers feel that they are constantly under suspicion by management?

Officers, indeed all Department employees, must understand that the Department has an obligation to investigate public complaints thoroughly and objectively. However, the Department also recognizes that many public complaints are made due to a misunderstanding or misconception and that, in most of these cases, it is found that the accused officers did nothing wrong. Nonetheless, maintaining the Department's credibility and the public trust must take precedence. Most employees recognize and understand the need for this high standard, and indeed, employees can take greater pride in a Department that closely scrutinizes employees' actions in upholding the public's trust.

Has the new complaint system resulted in a reluctance on the part of officers to be proactive?

Crime and Arrest Comparison Report

City Year to Date through 9/17/98

<u>Crime</u>	YTD 98	YTD 97	Percentage Change	
Homicide	299	421	-29.0%	
Rape	968	992	- 2.4%	
Robbery	11,330	14,932	-24.1%	
Aggravated Assault	12,487	14,089	-11.4%	
Burglary	18,924	21,907	-13.6%	
Larceny	55,258	59,025	- 6.4%	
Auto Theft	22,034	27,497	<u>-19.9%</u>	
Total Part 1 Crimes	121,300	138,863	-12.6%	
<u>Arrest</u>	YTD 98	YTD 97	Percentage Change	
Homicide	366	457	-19.9%	
Rape	316	257	+23.0%	
Robbery	3,465	3,739	- 7.3%	
Aggravated Assault	4,851	4,808	+ 0.9%	
Burglary	3,458	3,500	- 1.2%	
Larceny	8,619	9,158	- 5.9%	
Auto Theft	<u>2,583</u>	<u>2,792</u>	- 7.5%	
Total Part 1 Arrests	23,658	24,711	- 4.3%	
All Arrests	151,840	152,727	- 0.6%	
Dept. YTD through July 4, 1998 (DP 6)				
Traffic Citations	203,268	181,595	+11.9%	
Officer Initiated Activities	409,749	393,507	+ 4.1%	
Field Interviews	127,984	112,025	+14.1%	

Source: Information and Communications Services Bureau, Crime Analysis Section

LAPD PISTOL TEAM WINS WORLD CHAMPIONSHIP

A four-member LAPD team fired its way to becoming the winners of the 1998 National and World Police Pistol Championship at the world-class event held earlier this month in Jackson, Mississippi. Competing against more than five hundred of the best police pistol shooters in the world in both individual and team championships, the LAPD team scored 2,378 points out of a possible 2,400.

The first place team consisted of Sgt. Lou Salseda, along with Officers Richard Bennett and Robert Barnes of the Firearms Unit, Training Division, and Detective Don Tsunawaki of Southeast Community Police Station. Individual awards were also captured by Officer Bennett, team captain, who scored 1,494 points out of 1,500 to win the second place 1998 National Champion title, and to Officer Barnes who fired a score of 479 points out of 480 to win the Stock Auto Pistol match. Retired Detective John Pride became National Champion for the third time by scoring a near perfect 1497 points out of 1500. Chief Bernard Parks will present the team with plaques honoring their achievements at a special ceremony in October.



Complaint Policy

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To test this assertion, statistics that tend to reflect self initiated activities (arrests) were compared between the second quarter of 1997 and the second quarter of 1998 after Special Order No.1 went into effect. (See Dept. YTD through July 4, 1998, (DP 6) Crimes and Arrests Comparison Report, this issue page 2.)

The increase in the number of officer initiated activities, citations and field interviews in 1998 compared to the same period in 1997 tends to discount the theory that the new complaint policy is causing officers to be reluctant in their proactive activities.

Additionally, the following issues were also identified as concerns among rank and file employees based upon the questions posed to Internal Affairs Group at training and briefing sessions:

Will the new dispositions (NO MISCONDUCT, POLICY/PROCEDURE, NO DEPARTMENT EMPLOYEE, INCOMPLETE INVESTIGATION-FORMALLY CLASSIFIED AS MISCELLANEOUS MEMORANDUMS) be used against the employee punitively for promotional consideration (referring to an advancement in rank) or to establish a pattern of conduct?

First, punitive action can only be imposed for SUS-TAINED misconduct. The dispositions listed above are generally used to classify complaints that do not amount to misconduct. Indeed, in training given to commanding officers, it was proposed that employees should be commended when their actions were shown to be right and proper in spite of the complaint being made. The inclusion of any new dispositions is still under the meet- and-confer process. Currently, SUS-TAINED, UNFOUNDED, EXONERATED, and NOT RESOLVED are the only dispositions being placed on employees' TEAMS records. While this may change after the meet-and-confer process, what will not change is the practice that only SUSTAINED AND

GUILTY AT A BOARD OF RIGHTS complaints are listed on TEAMS reports reviewed by civil service and advanced paygrade interview boards.

The issue of "pattern of conduct" in addressing employee misconduct was not created out of Special Order No. 1. In identifying an employee's pattern of conduct, managers may consider many sources including nonpunitive instruments—such as comment cards and notices to correct deficiencies. The nature of the misconduct, recency and relevancy are also factors for consideration. What's more, employees should understand that managers have the burden to explain what prior acts constitute a pattern of conduct and why; and indeed, the absence of a pattern of conduct could work in an employee's favor to give greater credibility to his/her actions or decisions.¹

Considering the fact that some officers will generate more or less complaints, will the number of complaints be used against them in the advancement process? (The advancement process refers to transferring to a better position, but not a change in rank.)

The Chief of Police has made it clear to commanding officers: conclusions as to an employee's conduct, suitability for assignment or promotion, or status of being at-risk for problems shall NOT be based solely upon the TEAMS report or complaint history. Both reports are supervisory and managerial tools to help identify potential problems with the hope that such problems can be corrected before punitive action becomes necessary. In identifying a POTENTIAL problem based solely upon a review of a TEAMS or complaint history, it is incumbent upon the supervisor or manager to thoroughly read the reports related to the incidents that raise the concern: uses of force, complaints, pursuits, etc. It is only through such a review that accurate conclusions can then be drawn.

Source: Los Angeles Police Department, "Management Guide to Discipline."

AUGUST COMMENDATIONS

The Chief of Police received the following personnel commendations during August from outside the Department.

Assignment	Name	Rank
Burglary-Auto Theft Division	Hetrick, Gilbert	Detective III
Burglary-Auto Theft Division	Corral, Jesus	Detective II
Detective Headquarters Division	McClanahan, Tracy	P.O. II
Devonshire	Soberanes, Francisca	P.O. II
Devonshire	Cameron, Larry	P.O. II
Foothill	Chavira, Steven	P.O. II
Foothill	Berndt, Suzanne	P.O. II
Harbor	Green, Anthony	P.O. II
Hollywood	Berndt, Wendi	Detective III
Hollywood	Bucher, Stephen	Detective II
Hollywood	Moye, David	Detective I
Hollywood	Dial, Constance	Captain III
Hollywood	Diaz, Sergio	Captain I
Hollywood	Armand, Daniel	P.O. III
Hollywood	Ospina, Fabian	P.O. III
Hollywood	Griffin, Steve	Detective I
Hollywood	Toledo, Floyd	Detective I
North Hollywood	Harley, Kevin	Detective III
North Hollywood	Crawford, Karen	Detective II
North Hollywood	Gastelo, James	P.O. III
North Hollywood	Aguilar, Mario	P.O. I
North Hollywood	Burcher, Larry	P.O. III
North Hollywood	Pinner, Martin	Detective I
Operations-West Bureau	Dinse, Charles	Deputy Chief
Rampart	Miller, Susan	P.O. III
Robbery-Homicide Division	Lady, Kenneth	Lieutenant II
Valley Traffic	Baker, Clark	P.O. II
Van Nuys	Romeo, Daniel	P.O. III
Van Nuys	Kelly, Brian	P.O. II

P-III EXAM REQUIREMENTS

There has been much discussion among officers concerning eligibility requirements for the Police Officer III exam. Why are these requirements necessary, and, shouldn't specialized training outside the patrol/traffic function meet these requirements?

During the month of September, the Department and the Los Angeles Police Protective League reached agreement concerning eligibility requirements for the Police Officer III (P-III) examination. It was determined that only officers who have a minimum of two years patrol/ traffic experience should be eligible to take the exam. Many officers outside the patrol/traffic function possess valuable police experience; however, that experience is not directly related to the function of a Field Training Officer and is not a substitute for basic patrol/traffic skills. The Department and the League jointly acknowledged that it takes a minimum of two years in basic patrol or traffic assignments to develop a foundation in essential job fundamentals. Police skills developed in assignments to CRASH, SPU, CRO, etc. are enhanced police skills that are used to supplement basic patrol/traffic knowledge.

Many officers within the Department have voiced concern over the eligibility requirements being strictly limited to the basic patrol/traffic function. The training of probationary officers is critical to the future of the Department and can have both positive and negative impacts on a probationary officer's career. Field Training Officers must be thoroughly conversant with the basic patrol/traffic skills that every probationary officer must acquire. Specialized job skills can enhance one's ability to train only when such knowledge rests on a solid foundation of basic skills acquired through experience.

The revised P-III eligibility requirement is necessary in order to ensure that only candidates with the requisite experience are considered for the position of Field Training Officer. The Department and the League, by mutual agreement, implemented the two-year field/traffic requirement in order to provide a quality learning environment for probationary officers. The Department believes that to do anything else would not be in the best interest of its employees or the communities that we serve.

RUMORS

"I've heard you'll need a college degree if you want to take the next Sergeant test."

Recently, there have been some rumors concerning eligibility requirements for the administration of the 1999 Police Sergeant examination. In response to the Christopher Commission recommendations, the Los Angeles Police Protective League and Personnel Department have entered into discussions regarding the eligibility requirements for the 1999 Police Sergeant examination. The *proposed* eligibility requirements would require the following: (a) five years continuous service as a Police Officer or Detective and (b) the completion of 60 semester units or 90 quarter units at a recognized university, college or junior college. The proposed changes are still being discussed and may or may not be implemented for the 1999 Police Sergeant examination. The Department will notify officers of any changes concerning this matter.

"There isn't a new Detective list because there was cheating going on during the written."

There has been some discussion about the Police Detective examination being suspended due to a "cheating scandal." There are no plans to suspend the Police Detective exam. The oral portion of the examination process is scheduled to begin during the months of November and December. The related eligibility list is scheduled to be established, tentatively, in January 1999. Please disregard any rumors to the contrary. Good luck to everyone participating in the oral process.

XLIV- What's In a Name?

The publication of The *BEAT* magazine is a tradition of the Los Angeles Police Department that goes back many years. With the exception of 1984, during the Summer Olympics, The *BEAT* magazine has not been published since 1977. The reissuance of The *BEAT* magazine, August 1998 issue, inadvertently started with Volume 1, instead of Volume XLIV. For all of those frustrated librarians and other individuals who are distressed and puzzled by this historical oversight, please take note that this omission has been corrected. The September 1998 issue of The *BEAT* has been correctly categorized as Volume XLIV, Issue 3.

Chief's Billing Shows no Improper Charges

<u>The BEAT</u> has received permission from Los Angeles Police Revolver and Athletic Club President Robert Gale to reprint the following letter.

September 2, 1998

Mr. Gary Morgan Director Los Angeles Police Protective League 1308 West 8th Street Los Angeles, CA 90017

Dear Gary:

I was advised recently that you expressed interest in the hotel expenditures of the Chief of Police during his stay in Las Vegas during the 1998, Baker to Vegas, Challenge Cup Relay. After completion of the race I directed an in-depth audit of the entire race. Although the final audit is not completed, I can provide you with some preliminary information.

First, from the inception of the race, the Chief of Police has been invited by the Board of Directors to attend the race in Las Vegas as their guest. LAPRAAC provides air transportation and a room at the host hotel. Any additional expenses are the responsibility of the Chief. This year, Chief Parks was provided air transportation and a room at the host hotel. Like all other guests of LAPRAAC, Chief Parks was required to provide a credit card upon check-in to cover additional expenses. A review of the final billings from the MGM Grand Hotel revealed LAPRAAC paid for the additional expenses for Chief Parks' room. Somehow, there was a miscommunication with the MGM Grand Hotel and all expenses for the Chief's room were billed to the Master-Challenge Cup Relay account.

In addition to the confusion with the hotel bill, and in looking into how this miscommunication happened on our end, the preliminary findings indicate the LAPRAAC Director who provided information to Chief Parks during his stay in Las Vegas failed to fully explain what expenditures the Chief would be required to pay. With this situation in mind, the Board of Directors felt a proper explanation regarding the Chief's responsibilities was not given and so much time had passed, that it was only proper for LAPRAAC to pay the expense and ensure the Chief would receive thorough instructions for 1999.

A review of the Chief's billing showed no improper charges.

I realize the Board of Directors of the Los Angeles Police Protective League and the Chief of Police have been having well publicized disputes over a variety of issues. However, LAPRAAC cannot be used as a tool in politically motivated disputes. LAPRAAC is concerned solely with the morale and well being of its membership. By its very nature, the League and the Chief maintain an almost adversarial relationship in some areas. The Board of Directors of LAPRAAC appreciate and support your efforts in protecting the rights of its membership and negotiating the best contract possible, but again, I must reiterate that LAPRAAC cannot become involved in issues not pertaining to LAPRAAC business.

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KNX Radio Editorial Endorses Chief's Discipline Standards

The following is a print version of a recent KNX Radio Editorial

Los Angeles Police Chief Bernard Parks took some heavy criticism recently for the department discipline handed down during his first year on the job. There has been a significant increase in the number of officer dismissals and the Police Protective League feels some of the punishment has been too harsh.

KNX disagrees with that assessment.

Employee conduct is not only important within the LAPD, it's important in every business. Listen to the charges in these cases where officers were fired. Theft, dishonesty, sexual misconduct, unauthorized use of the department database, soliciting a bribe, conduct unbecoming an officer, alcohol abuse and domestic abuse.

These are serious offenses and in virtually every busi-

ness they would be grounds for dismissal. Yes, each case needs to be investigated individually and the circumstance weighed. The Police Department has that process, including a Board of Rights hearing where officers are given an opportunity to defend their actions. But the citizens of Los Angeles expect Chief Parks to be tough with those who violate department regulations while wearing a badge.

KNX hopes the message is getting out to officers that breaking the rules is not acceptable under the new Chief. It's not that he's being overbearing, his standard may be the one we should have been using all along.

-George Nicholaw, Vice President, CBS Radio Division and General Manager of KNX Radio

FASTRAC: 'Not a Dog and Pony Show'

Recently an article appeared in the Los Angeles Downtown News (October 12, 1998), about the Department's Focus, Accountability, Strategy, Teamwork, Response and Coordination (FASTRAC) command accountability process. In the article, Los Angeles Police Protective League Director Gary Fullerton is quoted as describing FASTRAC as "...a dog and pony show," and states that "Crime is dropping in L.A. because of the economy and because of the 'Three Strikes' law." This is a simplistic view of the Department's success. The FASTRAC process allows the Department to focus its efforts on a primary function to reduce crime and the fear of crime, and enables command officers and supervisors to make decisions based on accurate and timely data. This information, in turn, is then provided to officers. The ability to provide timely information to officers has allowed them to be more focused in their crime fighting efforts. The success of this Department in reducing crime is largely due to the dedicated efforts of the Department's patrol officers and detectives. To suggest anything less would be a failure to appreciate and recognize the outstanding, often heroic work, our personnel perform in service to the residents of Los Angeles.

LAPRAAC

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I hope this clears up your questions regarding this matter. LAPRAAC has enjoyed a working relationship with the Los Angeles Police Protective League for quite some time and on several events. The purpose of this relationship has been to obtain the mutual goal of promoting a positive morale for Los Angeles Police Officers. I look forward to many more years of our relationship in the achievement of this goal.

Sincerely,

Robert Gale, President Los Angeles Police Revolver and Athletic Club 1.4.3. P.O. BOX 30158 LOS ANGELES, CA 90030

Nineteen Awarded Medal of Valor

Nineteen officers received the Department's highest honor, the Medal of Valor, at the 39th annual Medal of Valor Awards Luncheon held on September 9 at the Westin Bonaventure Hotel.

Officers who were involved in the 1997 North Hollywood Bank of America incident comprised the majority of the recipients. Detectives Lawrence Winston and Phillip Wixon received the Medal for their actions during a liquor store robbery. Each year, officers who meet the Department's criteria for the Medal of Valor as listed in the Manual of the Los Angeles Police Department must "display extreme courage while consciously facing imminent peril" in order to be eligible for the award. The 1998 Medal of Valor recipients are:

Detective Tracey Angeles
Detective Vincent Bancroft
Detective Thomas Culotta
Detective Kevin Harley
Detective Lawrence Winston
Detective Phillip Wixon
Sergeant Israel Medina

Officer Don Anderson Officer Edward Brentlinger Officer Anthony Cabunoc Officer John Caprarelli Officer Edwin Dominquez Officer Steven Gomez Officer Richard Massa Officer Charles Parriquey Officer Todd Schmitz Officer Conrado Torrez Officer James Zboravan Officer Richard Zielinski

The "BEAT" is published by Public Affairs Section, Community Affairs Group. Please direct suggestions or comments to Lt. Robert Cedillos or Flora Stewart, Editor, Public Affairs Section, Room 731, 150 North Los Angeles Street, Los Angeles, CA 90012. Telephone (213) 485-3281. FAX (213) 485-1952. Reprinting of this article for educational and non-profit purposes is permitted.