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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA Plaintiff, v. CITY OF LOS ANGELES, CALIFORNIA, BOARD OF POLIC COMMISSIONERS OF THE CITY OF LOS ANGELES, AND THE LOS ANGELES POLICE DEPARTMENT Defendants.	Case No. 0011769 GAF (RCx) **STATUS REPORT** The Honorable Gary A. Feess, United States District Judge

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SECTION 1

EXECUTIVE SUMARY

Overview

This report summarizes the City of Los Angeles' (City's) Consent Decree implementation activities, focusing on actions taken since the City's August 1, 2002, report to the Court. Efforts since August 1, 2002 have included: 1) continued hiring of staff; 2) initiation of development of Fiscal Year 03-04 budget needs; 3) preparing and releasing request for proposals (RFP) for outside consultant services for the TEAMS II Development Program; 4) continued review and refinement of changes to LAPD policies and procedures to both implement and monitor the provisions of the Consent Decree; 5) training and implementation of required policies and procedures; 6) monitoring compliance and implementation activities; and 7) initiating corrective actions when compliance and/or implementation issues are identified.

Several implementation issues and concerns have been identified and are expected to continue to be encountered over the next year. Therefore, the City has established a cyclical process for identifying compliance issues, remedying such issues, subsequently monitoring compliance, and initiating the cycle again as necessary.

The overall compliance schedule established in the Consent Decree recognizes that change in processes and procedures in an organization as large as the Los Angeles Police Department (LAPD) will take time. Therefore, early identification of compliance issues is important to the City's ability to achieve successful compliance with the Consent Decree. Ideally, the City will need to be in substantial compliance with a majority of Consent Decree provisions by June 15, 2003 (the two year anniversary of the Consent Decree), in order to allow the LAPD and City to effectively focus their efforts in the third year to ensure substantial compliance with the Consent Decree on all outstanding compliance issues by June 15, 2004. Delays in the cyclical review process could negatively impact the City's ability to be in substantial compliance with the Consent Decree by June 15, 2004, as required to terminate the Consent Decree in June 2006 (see Consent Decree paragraph 179).

To better monitor progress toward substantial compliance over the next critical 18-month period, the City Council has requested the Police Commission, Inspector General, and LAPD to

report to the Public Safety Committee on specific paragraphs identified as of concern on a monthly basis, as well as reporting quarterly on the status of all Consent Decree provisions for which the City has identified "partial compliance." This will assist in prompt identification of delays in compliance and development of associated remedies.

Measurement Criteria

Over the past six month period, the Independent Monitor continued monitoring based upon the monitoring criteria published April 15, 2002. The City has notified the Independent Monitor that, consistent with the City's comments to the Independent Monitor on the draft versions of the monitoring criteria, the City disagrees with several of the standards and measures included in the monitoring criteria, and in some instances, the criteria established exceed the requirements of the Consent Decree. The City will continue to track the impacts of such monitoring criteria on the Independent Monitor's findings of compliance/non-compliance and forward a recommended course of action to the Police Commission, City Council, and the Mayor for consideration as appropriate. These areas of disagreement are noted in the discussion of activities for each individual Consent Decree paragraph presented in Section 3 of this report. The Consent Decree provisions implicated in this debate include, but are not limited to: RMIS Design Document (paragraphs 45 and 50(a)), Quarterly Discipline Reports (paragraph 88), Non-Discrimination Policy (paragraphs 102-103), Pedestrian and Traffic Stop Data Collection (paragraphs 104-105), SEU Selection procedures (portions of paragraphs 106 and 107), various training provisions, and secondary compliance assessments.

Implementation Status Summary

This report provides a summary of Consent Decree implementation status focusing on activities taken since August 1, 2002. Details of compliance and actions being taken by the City to remedy compliance issues are presented in Section 3, a paragraph by paragraph review of compliance. The City currently has policies and procedures in place (i.e. primary compliance) for all Consent Decree provisions scheduled for implementation prior to December 31, 2002.

The City is currently in compliance with the following Consent Decree paragraphs: 8 (meet and confer), 11 (allocation of resources), 39-53 (TEAMS II related provisions), 55 (Categorical Use

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of Force investigative responsibility), 57-60 (Categorical Use of Force (CUOF) review procedures), 63-66 (UOF procedures/reporting), 67 (CUOF Police Commission review), 74-78 (complaint filing procedures/requirements), 82 (reporting collateral misconduct), 84 (witness credibility standards), 85 (complaint adjudication), 86 (anonymous complaint investigation), 87 (5-month complaint investigative goal), 88 (Quarterly Discipline Report), 90 (complaint related training issues), 93-95 (transition of complaint investigations to IAG), 96 (investigation of complaints against the Chief of Police), 97 (Integrity Audits), 98-100 (IAG personnel eligibility requirements), 101 (criminal referrals), 102-103 (Non-Discrimination Policy), 104-105 (pedestrian and motor vehicle stop data collection, 109 (confidential informant database), 110 (confidential informant manual), 111-112 (mental illness policy and procedures review), 115 (Ability to remove Field Training Officer (FTO) personnel), 117-120 (training), 122-123 (training), 125-127 (audits), 130 (Annual Discipline Report), 134 (skeletal fracture audit), 139 (complaints accepted by Office of the Inspector General (OIG)), 140 (Police Commission authority to require audits), 142 (Police Commission CUOF review), 144-146 (Police Commission reviews), 147 (OIG review of CUOF), 148-149 (OIG access provisions), 150 (OIG acceptance of complaints), 152 (7-day complaint processing from IAG to OIG), 153 (OIG communication with Police Commission), 155 (Community Outreach Meetings), 156 (web posting requirements), 157 (Community/media advisory groups), 158-160 (Independent Monitor selection and payment), 161-171 (Independent Monitor access provisions), 175 (semi-annual City status report to the Court), 176 (records retention), 177 (DOJ access provision), and 184 (meet and confer).

The City is currently in partial compliance with the following Consent Decree paragraphs: 56 (Categorical Use of Force notification), 61 (separation of officers involved in an Officer Involved Shooting), 62 (CUOF/search warrant supervisor presence review), 68-69 (non-categorical use of force (NUOF) review procedures), 70 (arrest/booking procedures), 71-72 (search warrant procedures), 73 (arrestee inspection procedures), 79 (10-day complaint face sheet processing), 80-81 (administrative investigative procedures), 89 (Police Commission review of Quarterly Discipline Report), 91 (complainant notification), 92 (anti-retaliation policy), 106 (SEU Management), 107 (Special Enforcement Unit (SEU) personnel eligibility requirements), 108 (confidential informant requirements), 114 (FTO personnel eligibility requirements), 116 (FTO training), 121 (supervisory

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training for promoted staff), 124 (Audit Division), 128-129 (LAPD Audit Division Audits), 131 (SEU Audits), 135 (OIG review of LAPD Audits), 133 (Training Audit, December 2002), 136 (OIG audits), and 143 (LAPD procedures considered by Police Commission within 14-days), and 172 (transmittal of specified documents to the Independent Monitor within 10-days of completion).

A summary matrix of compliance findings is attached in Exhibit A. Current compliance findings are listed, with the City's August 1, 2002 and most recent Independent Monitor compliance findings provided for additional context.

Several Consent Decree provisions have future implementation dates: 39-53 (TEAMS II related provisions), 54 (annual personnel performance evaluations, June 2003), 113 (audit of mental illness policies and procedures, February 2004), and 137-138 (OIG use of TEAMS II). The City has initiated and/or planned implementation activities as appropriate, and currently anticipates such Consent Decree provisions will be implemented on schedule.

SECTION 2

STATUS OF IMPLEMENTATION OF MAJOR PROVISIONS

TEAMS II Development Activities

Risk Management Information System (RMIS) Design Document

As previously reported to the Court, the City submitted the Risk Management Information System (RMIS) data elements on September 17, 2001, and the RMIS Requirements/Design document on October 1, 2001, to the U. S. Department of Justice (DOJ) and the Independent Monitor. DOJ provided comments on the document to the City on November 7, 2001. The City and DOJ corresponded and held several meetings through August 2002 to resolve issues. On September 6, 2002, the City submitted a revised RMIS Requirements/Design Document to DOJ for approval. On September 11, 2002, the City submitted a corrected page 84 to RMIS Requirements/Design Document to DOJ.

On October 3, 2002, the DOJ submitted a letter to the City seeking clarification regarding applicability of the Consent Decree TEAMS II provision to the Use of Force System (UOFS) and the Complaint Management System (CMS). The City discussed this issue with the Independent

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Monitor and the DOJ in the October monthly TEAMS II monitoring meeting. The City responded in writing to the DOJ on October 18, 2002.

On November 15 and December 5, 2002, the DOJ submitted letters to the City requesting that the City advise the DOJ as to whether or not the City had changed its position on including in the RMIS the data identifying use of force incidents where the suspect appeared to be mentally ill and proposing an alternative for City consideration, respectively. In DOJ's December 5, 2002, letter, the DOJ suggested that the City initiate the evaluation of the mental health data element as proposed by the City and discussed in Section 11.2 of the RMIS Requirements/ Design Document during the proposed RMIS pilot program. Due to the uncertainties of the resource needs and issues that may arise during the proposed RMIS pilot program period, the City was unable to commit to initiating the evaluation at that time. Therefore, the City's commitment remains that a "written re-evaluation will be provided to DOJ and the Independent Monitor no later than seven (7) months after the RMIS becomes operational pursuant to paragraph 50(d)," with the aim to initiate the evaluation during the RMIS pilot program if feasible and appropriate. The City's response was submitted to DOJ on December 11, 2002, as requested by DOJ.

On January 31, 2003, the DOJ notified the City that it anticipated approving the RMIS Requirements/Design Document.

Although DOJ approval of the RMIS Requirements/Design Document has been delayed, the City has proceeded with RMIS-related development activities. Such activities are further detailed below. DOJ and the Independent Monitor have participated in several of these activities.

RMIS Request for Proposals

A Request for Proposal for RMIS and Use of Force System (UOFS) design, development and implementation (RMIS/UOFS RFP) was released on November 27, 2002. A pre-bid conference was held on December 9, 2002. Proposals were due January 24, 2003. The City received six proposals. Preliminary review of the proposals was initiated January 27, 2003.

The RFP includes an optional multi-step RFP process to ensure competitive bids and competitive project implementation schedules for this very complex and resource intensive project. Therefore, an additional step to the RMIS/UOFS RFP process may be implemented by the City in

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response to clarifications to the RMIS and UOFS requirements/design, project approach, and related project requirements identified during the initial proposal review process.

RMIS Use Protocol Development

The Management Systems Reengineering Project (MSRP) has initiated development of RMIS thresholds, reports, and peer groups that are both integral to RMIS design and development, as well as to use protocol development.

The City provided the DOJ with the definition of peer groups to be utilized in the October 1, 2002, RMIS Requirements/Design Document. At the request of DOJ (DOJ letter dated November 7, 2001) the City removed the peer group definition from the RMIS Requirements/Design Document to provide DOJ with additional time to review the issue.

Peer group comparison functionality must be designed into the Risk Management Information System (RMIS). Therefore, as discussed in Section 11.1 of the revised RMIS Requirements/Design Document submitted to DOJ on September 6, 2002, although the Consent Decree provides for the completion of the RMIS use protocol after the development of the RMIS beta version, the resolution of certain RMIS use protocol issues (including the peer group definition) is essential to RMIS data mart design and development and must be completed early in the RMIS design process. To accommodate this need a phased RMIS use protocol process was established.

On October 28, 2002, the City formally requested DOJ to approve the peer group definition included in the RMIS Requirements/Design Document. The DOJ responded regarding Risk Management Information System (RMIS) peer group definition approval in a letter dated December 20, 2002. On January 16, 2003, the City submitted a letter to DOJ seeking to clarify DOJ's response and proposed peer group definition approval.

Management Systems Reengineering Project (MSRP)

As previously reported to the Court, on December 16, 2001, the City acted to establish MSRP. The MSRP is a unique structure within the City, which combines LAPD and ITA resources to ensure close coordination and communication between these essential TEAMS II development entities. The MSRP has primary over the TEAMS II Development Program, including but not limited to the Risk Management Information System (RMIS), Complaint Management System (CMS), Use

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of Force System (UOFS), central access control module, personnel tracking system, and interfaces with existing systems.

Staffing of the MSRP is a significant effort and will take some time to accomplish. However, the hiring process has been initiated and 25 of the 32 MSRP positions authorized have been filled to date. Improvements to the MSRP lease space were completed, furniture and computer equipment installed, and staff relocated to the facility in November 2002.

The MSRP is currently working on reviewing the RMIS/UOFS proposals, drafting RFP's for CMS and access control, and reviewing existing LAPD systems, systems architecture issues, and infrastructure. MSRP developed a preliminary TEAMS II schedule and provided DOJ and the Independent Monitor with copies for review and comment on June 13, 2002. The schedule will become more definite upon formal approval of the RMIS Requirements/Design Document by DOJ and/or execution of a contract for development of the system.

Technical Architect

As previously reported to the Court, the City contracted with IBM Global Services in December 2001 to provide expert technical architect services for the TEAMS II Development Program. The MSRP reviewed tool options to ensure informed decisions regarding TEAMS II technology, as such decisions may have long-term citywide implications.

Based upon that review, the City established a set a preferred TEAMS II Development Program tools which was included in the RMIS/UOFS RFP. Proposers were provided the opportunity to suggest other tool options for City consideration and evaluation via the RFP process. The City will continue to exercise due diligence and keep the long term success of the project in mind to ensure that the decisions made early in the project establish a firm footing for the long term success and operation of the RMIS and all other TEAMS II Development Program systems.

Complaint Management System (CMS)

IBI submitted the final CMS Design Document to the City in October 2002. The final CMS Design Document will be the basis for the CMS RFP. However, some workflow changes will be required pursuant to the proposed changes in the complaint process. It is currently anticipated that the CMS RFP will be released in early 2003.

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The LAPD Internal Affairs Group (IAG) has continued to make modifications to the existing complaint management systems to better track complaint processing. In addition, IAG continues to place on the LAPD intranet statistics, presented in a graphical user friendly format, regarding complaint volumes in certain categories by Division. This continues to provide managers and supervisors information appropriate to review their Division's operations that was not previously readily available, thereby enhancing LAPD risk management capabilities as TEAMS II Development Program efforts proceed.

Use of Force System (UOFS)

As previously reported to the Court, due to the complexities of concurrent systems development, work on the UOFS was delayed. With implementation and staffing of the MSRP, work once again has been initiated on the UOFS. The UOFS requirements and workflow were validated and the system requirements were included in RMIS/UOFS RFP.

Access Control Systems

The Position Tracking System, part of the Training Management System (TMS), was originally planned to be used to provide chain-of-command information to the RMIS, providing the foundation for systems access and control. However, with implementation of the flexible work schedule, there was concern that the TMS would be inadequate to reflect the revised chain-of-command structure associated with the flexible work schedule. The MSRP has been working to define access control requirements necessary to assess the most appropriate manner of addressing the chain-of-command hierarchy and access control needs of the RMIS. Once completed, the requirements will be evaluated within the context of TMS revisions required to address the requirements and new system development options.

The LAPD is currently undergoing re-structuring at the direction of Chief Bratton. Such organizational changes will further impact the TMS and require additional modifications to the system.

As the City continues to review the feasibility and appropriateness of developing a supplement to the existing Training Management System (TMS) to address the identified information/functionality gap, it also is considering other potential methods of addressing the issues

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identified. In addition, the City included enhancements to the TMS and development of a central access control module in the RMIS/UOFS RFP as options for proposers to address.

Deployment Period System

The MSRP has developed a requirements document and draft RFP for a deployment period system (DPS) for consideration by the City. The DPS is one option for potentially addressing the chain-of-command system gap that must be remedied in order to accommodate the security and access control required for RMIS, CMS, and UOFS.

Current Database Review

The MSRP has initiated the process of reviewing existing data base systems and prioritizing required source system enhancements. The current focus of MSRP's efforts is the existing LAPD use of force and complaint management applications.

APRIS/ICARS

On April 30, 2002, the City executed a $2.4 million contract with KPMG Consulting, Inc., now Bearing Point Inc., for stabilization and enhancement of the LAPD Automated Personnel Records Imaging System (APRIS) and Integrated Crime and Arrest Records System (ICARS). Although not considered part of the TEAMS II Development Program, this project is essential to meeting the City's commitments regarding access to arrest and priority one crime reports. The project was scheduled to be completed in December 2002. It is currently anticipated that the project will be completed in February-March 2003.

Plans are being made to migrate data from the old 12" 7GB optical platters to more current 5.25GB optical media. More platters must be migrated than originally planned. There will be a 45-day acceptance test period for the City.

TEAMS 1.5

As previously reported to the Court, the City is implementing TEAMS 1.5, which is designed to provide greater access to TEAMS I information department-wide. TEAMS 1.5 has now been implemented in the 4 geographic Bureaus,18 geographic Areas, and several specialty divisions.

The implementation of TEAMS 1.5 has resulted in increased use of TEAMS department-wide. In June 2001, approximately 3,500 transaction requests were logged by the TEAMS server.

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In June 2002 approximately 6,200 transaction requests were logged by the TEAMS server and the TEAMS 1.5 web-based application ,combined. In November, 2002, approximately 6,700 transaction requests were logged.

Categorical Uses of Force Investigations and Review

The Critical Incident Investigation Division (CIID) is functioning appropriately and consistently with the requirements of the Consent Decree. CIID is being notified of Categorical Use of Force incidents and rolling-out to investigate such incidents on a 24-hour basis. Review of investigations indicate that appropriate investigative activities, consistent with the requirements of Consent Decree paragraph 80, are being employed. Although compliance issues have been identified, the issues are relatively minor in scope and are in the process of being remedied by LAPD.

The City has identified a compliance issue with the requirement to separate officers involved in officer-involved shootings (OIS) in some cases where opportunities and resources appeared to have existed to accomplish preferred physical separation of officers. The LAPD is in the process of drafting an Order to provide a greater level of direction and clarification to Watch Commanders and supervisors regarding appropriate separation of officers. There will continue to be a tension between the ability to achieve the ideal physical separation of all officers involved in OIS incidents, and the practical need in some instances to separate officers via LAPD supervisory monitoring to ensure that no discussions or exchanges occur while officers are transported and housed together, based upon the number of involved officers and officer witnesses, and the available LAPD resources to transport and hold officers pending questioning. The Use of Force Review Board and the Inspector General will therefore continue to diligently monitor this issue to ensure that officers involved in OIS incidents are separated as appropriate, consistent with the requirements of paragraph 61.

The Independent Monitor's November 15, 2002, Report expressed concern that the practice of obtaining a public safety statement from the involved officers was not a codified procedure. Public safety statements involve obtaining timely information from officers at the scene of an officer involved shooting incident in order to immediately secure the area, prevent any further injury, and ensure all potential injured parties are identified. This is essential to public safety and has been the long-standing practice of the LAPD. The LAPD is in the process of drafting an Order codifying the

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public safety statement procedures. CIID is working to establish a method of documenting such procedures in the CIID investigative process

The Office of the Inspector General (OIG) and the Police Commission continue to review all Categorical Uses of Force. Process enhancements to ensure timely reporting of Categorical Use of Force investigations to the Police Commission, consistent with the provisions of paragraph 67, implemented in April-June 2002, have proven effective.

Non-Categorical Use of Force Investigations

Although not required by the Consent Decree, LAPD revised non-categorical use of force review procedures to require review of all such incidents by the Risk Management Group. This ensures consistency of review, and provides for overall review of policies and procedures in consideration of incidents department-wide. In addition, such consistent review provides for additional quality control assurance for non-categorical investigations. Reviewers of non-categorical uses of force investigations indicate that investigations and documentation continue to improve. Although compliance issues have been identified, no significant system failures have been identified to date. The LAPD is aware of the compliance issues and will be incorporating appropriate procedural modifications into the non-categorical uses of force investigation order revision currently under development.

The City has achieved compliance with the 14-day non-categorical use of force investigative time frame through the Division level (paragraph 69).

Complaint Investigations and Processing

Beginning in January 2002, LAPD began documenting chain-of-command complaint investigation duration utilizing a newly established Active Case Tracking System. The majority of complaint investigations have consistently been completed within the 5-month investigate goal established in paragraph 87. In addition, the Police Commission has approved changes to the misconduct complaint investigation and adjudication process. Once implemented, these changes are anticipated to further streamline the complaint investigation process.

The final transition of complaint investigations from the chain-of-command to IAG was accomplished on December 1, 2002, in conformance with paragraphs 93, 94, and 95. The City

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continues to make progress with filling the authorized Internal Affairs Group (IAG) staff positions to ensure continual compliance with the 5-month complaint investigative goal.

IAG's Review and Evaluation Section reviews all completed LAPD complaint investigations to ensure quality investigations department wide. Further, the Review and Evaluation Section biopsies several complaint investigations monthly to ensure appropriate investigative procedures are employed on an on-going basis. In addition, the Office of the Inspector General (OIG) also reviewed LAPD misconduct complaint investigations, with the exceptions of failure to appear, failure to qualify, and preventable traffic collisions, for quality, completeness, and appropriateness of findings until November 2002. Beginning in November 2002, the OIG began transitioning to a random sample audit procedure for review complaints, pursuant to the requirements of Consent Decree paragraph 136.

The OIG and IAG Review and Evaluation Section have found that the majority of complaint investigations are of appropriate quality; however, some deficiencies have been identified. Such reviews have indicated deficiencies in canvassing the scene for witnesses, which in some cases simply involves a documentation issue and not an investigative deficiency. Minor deficiencies in tape recording interviews or documenting when a complainant or witness refuses to be tape recorded were also noted. In only one investigation biopsied since late October 2002 was a supervisor identified as not being interviewed by IAG.

The City continues to make improvements in processing of complaints. With a compliance rate of 94% for the past two months, the City is approaching compliance with the 10-day processing time frame (paragraph 79). A 98- 9% compliance rate with the 7-day time frame for processing complaints from IAG to the OIG (paragraph 152) is being maintained.

Quarterly Discipline Report

In the Independent Monitor's reports to the Court dated May 15, 2002, and for the quarter ending September 30, 2002, the Independent Monitor concluded that the LAPD was not in compliance with the Consent Decree requirements relating to the Quarterly Discipline Report. The City notified the Independent Monitor that it disagreed with the Monitor's conclusions regarding compliance with the provisions of Consent Decree paragraph 88 and a meeting was held on June 12,

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2002, to discuss the Independent Monitor's concerns with the LAPD's Quarterly Discipline Reports. DOJ participated in that meeting and followed up with a written letter to the City detailing DOJ's concerns with the Quarterly Discipline Report. Subsequent discussions have been held.

One of the Independent Monitor's concerns was the timeliness of the information included in the Discipline Report. The data entry backlog was reduced from approximately 3,000 in September 2001, to 500 in January 2002, and now consists of the normal turnover of closed cases. In addition, the IAG and the OIG continue to review opportunities to further streamline the complaint investigation and review process. However, with the limitations of the current LAPD complaint tracking computer databases and complaint processing, the timeliness of data entered for use in the Discipline Report is approaching LAPD's maximum capabilities. The planned Complaint Management System will further enhance the timeliness of information included in the Discipline Report.

The Independent Monitor also expressed concerns regarding the manner in which discipline is summarized in the report. The City revised the Quarterly Discipline Report format in the August, 2002 Quarterly Discipline Report. In addition, although not required by the Consent Decree, IAG has worked to modify its computer programs to accommodate including complaint summaries in an attempt to resolve the complaint summary issue. Complaint summary information collection was initiated in November 2002, and summaries for complaints closed in October 2002 are being entered retroactively. It is anticipated that the March, 2003 Quarterly Discipline Report will include complaint summaries for all complaints closed in the fourth quarter of the 2002 calendar year. With this new process it is anticipated that there will be a period of inconsistencies in summary type and detail. Such inconsistencies will be addressed as the process is improved over time.

The LAPD, Police Commission, and Inspector General will continue to review the Quarterly Discipline Reports and make modifications as appropriate to facilitate the Police Commission's review of the Chief of Police's performance as it relates to discipline issues.

Pedestrian and Traffic Stop Data Collection

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As previously reported to the Court, pedestrian and motor vehicle stop data collection was initiated November 1, 2001, using paper forms. The volume of forms being collected is consistent with the volume anticipated by LAPD, based upon citation and field interview card volumes. Overall, from July 1, 2002 to November 30, 2002, a total of 275,993 stop data forms were completed by officers and the data collected is available in an electronic format. This includes 206,478 forms for motor vehicle stops, 8,651 for passengers requested to exit a vehicle during a motor vehicle stop, and 60,864 for pedestrian stops. The logical error rate for the data is only 1.3%. The pedestrian and traffic stop data collected for the same period was posted on LAPD's web site on January 6, 2003. The information will be updated to include data for July 1, 2002 to December 31, 2002 at the next semi-annual web site update, scheduled for March, 2003.

A Request for Proposal (RFP) for data analysis of pedestrian and motor vehicle stop data collected pursuant to paragraphs 104 and 105 is in the process of being drafted by the City. A draft RFP was provided to the Independent Monitor, DOJ, and the Los Angeles Police Protective League. Comments were received on January 14, 2003. It is currently anticipated that the RFP will be released in February 2003.

The Consent Decree Workgroup is planning to embark upon a review of the pedestrian and motor vehicle stop data collected to date to re-evaluate the appropriateness of data elements and associated values, the consistency of data, and any associated data collection training issues. The Consent Decree Workgroup's review is intended to be integrated with the FDR form revision process discussed above. In completing the review, the Consent Decree Workgroup will coordinate with state agencies involved in the potential standardization of stop data collection programs statewide to ensure compliance with any such standards as appropriate and to ensure compliance with LAPD Consent Decree paragraphs104 and 105.

The LAPD has undertaken substantial efforts to reduce officer error rates on pedestrian and motor vehicle stop forms (Field Data Reports). These efforts include development and publishing LAPD training bulletins, a video tape, Chief of Police Notices, and weekly workgroup meetings. In addition, the LAPD Management Services Division conducts weekly audits of two to four Divisions to ensure accuracy and completeness of Field Data Reports and that errors are being expeditiously

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corrected in the STOP application. Due to these efforts, Field Data Reports (FDR) completed after March 11, 2002, have a significantly lower errors rate.

As reported to the Court previously, an RFP was released for automated collection of pedestrian and motor vehicle stop data on October 23, 2001. The RFP process was terminated in December, as a majority of the proposals received by the City did not comply with the City's standard contracting and RFP procedures. A revised RFP was released on May 20, 2002. A pre-proposal conference was held June 5, 2002. Proposals in response to the automated data collection RFP were due July 17, 2002. Eleven proposals were received. The proposals are currently in the interview phase of the process.

The LAPD has initiated a review of descent categories used on the FDR forms, and other LAPD systems. The descent categories on the FDR form are consistent with the mandatory crime and reporting categories. However, these categories are not consistently used across all LAPD systems, such as the use of force system, vehicle pursuit system, etc. The descent categories are being reviewed in light of the data collected to date and in coordination with the efforts of the TEAMS II Development Program to ensure consistency among LAPD systems. It is anticipated that this effort will be completed concurrent with automated data collection system development. Correlating changes would be made over time to other LAPD systems, as TEAMS II Development activities progress.

In addition, the paper FDR forms need to be revised. FDR form revisions are also anticipated to include additional modifications to assist in minimizing officer errors and to reduce per form processing costs. Timing of FDR form revisions will be coordinated with the tasks of the outside data analysis methodology contractor and the transition to electronic data collection to the maximum extent practicable to minimize costs and training resource needs.

Management of Gang Units

A relatively high number of officers are due for transition out of Special Enforcement Units (SEU) in the summer of 2003. This has the potential to impact SEU officer experience levels and training needs. The Police Commission approved a SEU staffing plan on September 3, 2002. The plan includes consideration of the flexibility provided in Consent Decree paragraph 106(d), which

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provides for the extension of SEU tours of assignment by the Chief of Police. The LAPD is in the process of developing an appropriate process to ensure all applicable provisions of Consent Decree paragraph 106 and 107 are addressed as the Chief of Police considers individual SEU officer term of duty extensions. Paragraph 106(d) has been identified as a meet and confer item. Finalization of the Order implementing paragraph 106(d) is important to the SEU tour extension process.

The LAPD eligibility criteria for selection for SEU non-supervisory and supervisory officers, consistent with the requirements of paragraph 106, are in place. As the SEU staffing plan is implemented, care will taken to ensure officers new to SEU conform to the eligibility requirements.

As previously reported to the Court, SEU compliance related issues have been identified by the City and the Independent Monitor. Of substantial concern are the findings regarding inadequate supervisory oversight of SEUs.

The LAPD is in the process of organizational restructuring to better address gang related issues. To ensure appropriate SEU risk management type procedures are implemented with such restructuring, LAPD developed recommendations to address compliance issues identified. The recommendations were considered by the Police Commission on January 7, 2003 and the City Council Public Safety Committee on January 13, 2003. The City will continue to monitor compliance with the SEU provisions of the Consent Decree. The Audit Division will be performing SEU work product audits to further assist the City in monitoring SEU compliance activities.

Confidential Informants

As previously reported to the Court, several deficiencies regarding confidential informant files have been identified. Significant improvements have been made in the Narcotics Division confidential file maintenance procedures; however, in other LAPD divisions, previously identified issues have not been fully remedied.

At the direction of the Police Commission a confidential informant audit is planned for completion in the third quarter (January-March) of FY 02-03. The LAPD has developed and continues to revise sample confidential informant files for training purposes. In addition, Confidential Informant Manual may require some clarifications to ensure full and complete compliance with the various confidential informant requirements.

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The LAPD Information Technology Division (ITD) has completed several requested confidential informant database modifications. The system is now fully operational. The data base is audited monthly by the LAPD to ensure completeness and accuracy of data. In addition, a data base for management of undesirable confidential informant information has been implemented.

Review of Procedures for Dealing with Potentially Mentally Ill Persons

Although not required to engage outside professional services for the evaluation of other law enforcement programs and LAPD policies and procedures for dealing with persons who may be mentally ill required pursuant to paragraph 111, the City engaged the services of Lodestar to assist in the review. The contract with Lodestar was executed December 10, 2001, with work on the project initiated on December 11, 2001. The five law enforcement programs reviewed as part of the study were San Diego, California; Memphis, Tennessee; Seattle, Washington; New York, New York; and Portland, Oregon.

Lodestar submitted its final report to LAPD on May 28, 2002. The LAPD evaluated that report and submitted its recommendations to the Police Commission on July 15, 2002, consistent with the requirements of Consent Decree paragraph 112. The Police Commission considered the issue several times over a several month period. Recommendations were forwarded to the City Council by the Police Commission in fall/winter 2002. The initial implementation costs of the Police Commission's recommendations are approximately $2 million, with substantial on-going maintenance costs. The City Council requested a report from the Chief Legislative Analyst (CLA) and the City Administrative Officer (CAO) on the Police Commission's recommendations and potential funding sources. It is currently anticipated that the CLA/CAO report will be submitted for Council consideration in February 2002.

Training

General

The LAPD has integrated the various Consent Decree requirements into Basic Supervisor, Watch Commander, Detective Supervisor, and Command Development Schools. In addition, Continuing Education Programs have been developed to address various aspects of the Consent Decree. Roll-call training has also been used to train employees regarding new policies and

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procedures established to implement various Consent Decree provisions. Memoranda and meetings have been used as appropriate to alert officers to compliance issues, such as the most common pedestrian and traffic stop data collection errors and non-categorical use of force investigation concerns.

The LAPD continues to review methods of providing the training necessary to ensure Consent Decree compliance and to provide officers the tools necessary to efficiently perform their duties. As compliance issues arise, training needs are continually evaluated.

Supervisory Training

Command Officers and uniformed supervisors have now all been trained consistent with the requirements of the Consent Decree. In addition, regular and periodic training programs have been incorporated via the Continuing Education Delivery Plan (CEDP).

As previously reported, training for upgrade positions (e.g. Detective I to Detective II) pose unique issues, as these upgrades are not subject to established promotional eligibility lists, which provide an advanced opportunity to identify staff for training. Therefore, the LAPD established a policy that such upgraded individuals cannot perform supervisory functions until training has occurred. Of the nineteen Detective Supervisors (Detective II) still requiring training, fourteen were upgraded since July 2002. These Detective supervisors are scheduled for the February 24, 2003 Detective Supervisor School. The LAPD continues to strive to reduce the lag time currently experienced between Detective upgrade and training.

Audits

Audit Division

As previously reported, the City investigated methods of expeditiously hiring staff or contracting with firms with auditing expertise to improve the quality of LAPD audits. It was decided that hiring staff would be most beneficial, as expertise would be maintained "in-house" and the benefits of training efforts will be maximized. The new civilian audit personnel would be partnered with sworn personnel to integrate police practices expertise with auditing expertise. Of the 48 Audit Division positions authorized, 36 have been filled. Training of LAPD audit staff is on-going and includes training provided by the Institute of Internal Auditors.

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The LAPD Audit Division was first initiated in the summer of 2001. The first audits undertaken by the LAPD were completed June 1, 2001, prior to entry of the Consent Decree and deployment of full auditing resources. The LAPD auditing methodology has continued to be improved over time. In its three most recent audits the Audit Division has achieved the audit quality standards essential to the fundamental review of on-going LAPD operations. Having established a process to ensure quality audits, the Audit Division is now working to ensure that the required quantity of audits is maintained on an on-going basis.

Detective Services Division Audits

The City continues to experience difficulty in complying with the provisions of Consent Decree paragraphs 106(h) and 131, which require the Detective Support Division (DSD) to complete specified audits of the Special Enforcement Units (SEU). The LAPD has developed a plan to address paragraph 131 compliance issues.

As discussed above, the LAPD Audit Division has matured over the past year and the depth and quality of its audits have improved significantly. The LAPD plans to improve DSD audit operations utilizing an approach similar to that utilized to improve Audit Division operations. The cornerstone of that plan is for DSD to focus its efforts on a limited number of audits to ensure a quality product. Once DSD audit quality improves, DSD audit operations will be expanded to produce the ultimate quantity of audits mandated by the Consent Decree.

Under the plan, initial DSD audit efforts would focus on paragraph 106(h) audits, which due to their monthly frequency, are not of the same depth and high level of documentation as audits required by paragraphs 128, 129, and 131. However, these monthly reviews of SEUs are important to overall SEU operations and monitoring compliance with the provisions of Consent Decree paragraph 106. The Audit Division will assist DSD in developing the monthly audit methodology and documentation procedures. In addition, the Audit Division will review the audits and provide guidance to DSD as appropriate.

In addition, DSD, with guidance from Audit Division, will undertake two department-wide SEU audits: one regarding compliance with the selection criteria provisions of paragraphs 106 and 107, required pursuant to 131(b), and one to assess compliance with the training provision of

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paragraph 106(a). As the LAPD embarks upon reorganization of SEU units, compliance with these provisions is a priority. The remaining paragraph 131 audits will be scheduled once the DSD has successfully completed the department-wide audits discussed above.

To assist in mitigating the impacts of the deferral of the remaining paragraph 131 DSD audits, the LAPD is planning for the Audit Division to undertake similar SEU audits in the interim. A minimum auditing frequency of annual review is required for compliance with the provisions of paragraph 128 and 129. It is currently anticipated that that the Audit Division will have completed audits in conformance with paragraphs 128 and 129 at least once in fiscal year (FY) 2002-2003. The LAPD is therefore planning to defer the "repeat" department-wide arrest, booking and charging audit currently planned for FY 02-03 to FY 03-04 and instead, perform audits related to SEU work product. Although this will not result in compliance with paragraph 131, such information is important to the City in evaluating compliance with the provisions of paragraph 106 and is anticipated to assist the City in minimizing SEU compliance issues as the DSD simultaneously progresses toward improving its audit capabilities. The Audit Division's first priority will remain compliance with paragraphs 128 and 129, should resources become constrained. Finally, this plan presents the unique opportunity for the City to evaluate the Independent Monitor's recommendation that the DSD audits be re-assigned to Audit Division based upon actual experience.

Office of the Inspector General Audits

As previously reported, the City is experiencing difficulty in complying with the Office of the Inspector General (OIG) audit requirements. The OIG review of LAPD audits has continued to improved over time. However, audit methodology development issues have resulted in substantial delays in OIG audits. The City, OIG, and LAPD are all working to remedy these audit issues. The OIG is in transition currently, with a new Inspector General anticipated to be selected in spring 2003. This transition may result in additional delays to full OIG audit program implementation.

Training Audit

The Consent Decree implementation schedule contemplated that the training audit report would be completed by December 15, 2002. As previously reported to the Court, the City

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anticipated delay in compliance with Consent Decree paragraph 133, regarding an outside independent consultant review of LAPD training programs. The Police Commission approved the selection of RAND to perform the independent audit of LAPD training programs pursuant to Consent Decree paragraph 133. The RAND contract was executed on July 3, 2002, and work on the project has been initiated. Due to LAPD training course schedules and the time needed to complete the study, the contract included the submittal of a preliminary findings report by Consent Decree due date; however, the draft final report will not be submitted until March 31, 2003.

An all day meeting with the RAND expert panel was held October 14, 2002 and RAND presented preliminary findings at a meeting held on December 10, 2002. The findings were found to be general in nature. This may have been attributable to the stage of the RAND review. However, the City, as well as the Independent Monitor and the DOJ, have expressed concerns that the level of detail in the March draft final RAND report maybe insufficient to meet City needs. The City met with RAND on January 8, 2003, to discuss the City's concerns. The City and RAND continue to meet and work toward development of as detailed a report as feasible.

Community Outreach

In FY 02-03, the frequency of community outreach meetings mandated by the Consent Decree decreased to once a year. LAPD initiated those meetings in January, 2003. The LAPD held community outreach meetings in August-September 2002, in Wilshire, Van Nuys, and West Valley; communities where meetings were previously held, but that the Independent Monitor identified as of concern.

Conclusion

The City has made substantial progress in implementing the various provisions of the Consent Decree over the past six-month period. The City currently anticipates full compliance within the next 18-month period (except for the development of the TEAMS II program, which has a separate schedule) allowing for a two year period of substantial compliance prior to termination of the Consent Decree.

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SECTION 3

PARAGRAPH BY PARAGRAPH REVIEW

This Section details compliance status and actions being taken by the City to remedy compliance issues for each non-administrative Consent Decree paragraph.

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I. INTRODUCTION

A. *General Provisions*

Decree ¶8

Decree Language:

"8. Nothing in this Agreement is intended to: (a) alter the existing collective bargaining agreements between the City (as defined in paragraph 15) and LAPD employee bargaining units; or (b) impair the collective bargaining rights of employees in those units under start and local law. The parties acknowledge that as a matter of state and local law the implementation by the City of certain provisions of this Agreement may require compliance with the meet and confer process or consulting process. The City shall comply with any such legal requirements and shall do so with a goal of concluding any such processes in a manner that will permit the City's timely implementation of this Agreement. The City shall give appropriate notice of this Agreement to affected employee bargaining units to allow such processes to begin as to this Agreement as filed with the Court. The City has received one demand to meet and confer in regard to the proposed Agreement and will use its best efforts to have expedited that process and any others that may be demanded. The City agrees to consult with the DOJ in regard to the positions it takes in any meeting and conferring or consulting processes connected with this Agreement."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance/Paragraph 8 and 184

Policy/Procedure: Meet and Confer Process

Activities:

Consistent with the requirements of paragraph 8, the City consulted with DOJ prior to the City's submittal of a list of the provisions of the Consent Decree that are subject to the meet and

confer process, consistent with the requirements of paragraph 184(a). The City reported to the Court on a monthly basis regarding the status of the meet and confer process.

On April 16, 2002, the City filed a Motion with the Court seeking a declaration pursuant to paragraph 184(a) stating which provisions of the Consent Decree are subject to meet and confer. The City identified all or portions of Consent Decree paragraphs 47 (g) and (i), 51, 54, 62, 70(c), 77, 98, 106(b), (c), and (d), 107(a) and (c), 108(i), 114, 116, and 132 as being subject to meet and confer, while the Los Angeles Protective League (PPL) identified several additional Consent Decree provisions as being subject to meet and confer. The Court held a status conference on the 184(a) motion on September 9, 2002. The court set a hearing on the motion for September 30, 2003, which was subsequently continued until November 8, 2002. Prior to the November 8, 2002, hearing the parties stipulated to take the motion off calendar after agreeing that the City had correctly identified the Consent Decree provisions that were subject to meet and confer. The resulting stipulation was lodged with the Court on November 6, 2002, and deemed filed by the Court on November 8, 2002.

The pendency of the meet and confer process has impaired the City's ability to timely implement all or portions of paragraphs 51, 62, 70(c), 77, 98, 106(b), (c), and (d), 107(a) and (c), 108(i), 114, 116, and 132. Despite these delays, however, and consistent with its legal obligation to meet and confer in good faith, the City has met with the Los Angeles Police Protective League (PPL) and prepared certain orders and forms to assist with the meet and confer process and to expedite implementation of some of the provisions identified above, should they turn out to be the result of the meet and confer process. Such orders or forms naturally would be subject to modification should the meet and confer process lead to different resolutions. Information regarding such preliminary implementation activities is presented in the "activities" discussion for each specific paragraph.

The City has consulted, and will continue to consult with, the DOJ in regard to: 1) impairment by the meet and confer process of the City's ability to timely implement all or portions of Consent Decree paragraphs; 2) any additional meet and confer items that may be identified by the City; and 3) the position the City will take in regard to provisions identified by the PPL as subject to the meet and confer process.

Decree ¶11

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Decree Language:

"11. The City is responsible for providing necessary support to the Los Angeles Board of Police Commissioners, the Inspector General, the LAPD and the Chief of Police to enable each of them to fu1l their obligations under this Agreement."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Budget Appropriations

FY 01-02: $29 million

FY 02-03: $38.3 million

FY 03-04: currently in planning stages

Activities:

In January, 2001, a Consent Decree Work Group was established to identify and resolve Consent Decree implementation issues and facilitate allocation of resources as appropriate. The Consent Decree Work Group continues to meet weekly and includes the Chair of the Public Safety Committee staff, Mayor's Office, Office of the Chief Legislative Analyst (CLA), City Attorney's Office, Chief Administrative Officer (CAO), LAPD, Office of the Inspector General (OIG), and Police Commission (Commission) staff.

The FY 02-03 budget allocated $38,264,836 for Consent Decree implementation related expenses, including but not limited to staff, lease space, equipment, training, and contractor costs. Of that total amount $13.2 million is allocated for TEAMS II development activities, $2.75 million is allocated for Independent Monitor contract costs, $3 million is allocated for pedestrian and traffic stop data collection, and approximately $2 million is contingency funds. The City may utilize these contingency funds to fund financial integrity audits pursuant to paragraph 132 and actions necessary in response to the findings of the mental illness policy and procedures review, training audit, and skeletal fracture audit, to be completed in FY 02-03 pursuant to paragraphs 112, 133, and 134, respectively.

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Consent Decree related staff positions were continued from the FY 01-02, with the exception of one Police Officer III position in Orders and Manuals, as the workload for drafting implementing orders and procedures has diminished. Four additional positions, two Sergeants and two Detectives, were established in IAG to assist in integrity audit activities required pursuant to paragraph 97 at a cost of $72,018. In FY 01-02 position authority for FY 02-03 IAG positions were established, consistent with the requirements of Consent Decree paragraph 95. The 38 FY 02-03 positions are funded at a cost of $740,259 in the FY 02-03 Budget.

In addition, several actions were taken by the City separate from the FY 02-03 budget to allocate resources for Consent Decree implementation. In January 2002, 32 positions were authorized for the Management System Reengineering Project (MSRP) at a FY 02-03 cost of approximately $1.9 million. In April, 2002, a $2.4 million contract for upgrades to the APRIS/ICARS project was executed. The City also acted several times over the last six months to allocate funding for furniture for new staff, contractual services, communication costs, and training.

Actions were taken to exempt Consent Decree related positions from the FY 01-02 hiring freeze, instituted due to City financial concerns. In FY 02-03 the hiring freeze was continued, and those Consent Decree related positions that had not yet been filled were exempted from the freeze. In January 2003, a "hard" hiring and equipment purchase freeze was implemented by the City due to increasing financial concerns statewide. Future vacancies in Consent Decree related positions and equipment purchases will be evaluated on a case by case basis, consistent with practices for all other City positions and overall City needs.

Planning activities for the FY 03-04 budget are in progress. Due to substantial financial concerns within the City and State, resources are anticipated to be significantly limited for all City operations in FY 03-04. In winter 2002, the Police Commission approved a proposed FY 03-04 budget request for consideration by the Mayor.

The City continues to monitor, through the Consent Decree Work Group and the LAPD Consent Decree Task Force, the financial and staff resources required to implement the Consent Decree.

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II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY

A. *TEAMS II*

Decree ¶39

Decree Language:

"39. The City has taken steps to develop, and shall establish a database containing relevant information about its officers, supervisors and managers to promote professionalism and best policing practices and to identify and modify at-risk behavior (also known as an early warning system). This system shall be a successor to, and not simply a modification of, the existing computerized information processing system known as the Training Evaluation and Management System (TEAMS). The new system shall be known as "TEAMS II."

PROGRESS/STATUS SUMMARY

Due Dates: September 17, 2001 TEAMS II Design Document/
February 3, 2004 Beta Test Version & UOFS w/ Historic Data/
May 3, 2004 Protocol for Use/
November 3, 2004 TEAMS II Operational

Current Compliance Status: Compliance/In-Progress/ paragraphs 8 & 184

Policy/Procedure: Submittal of RMIS data elements on September 17, 2001 and the Requirements/Design document on October 1, 2001; Response to DOJ comments; Establishment of the "*LAPD Management System Reengineering Project* (*MSRP*)," approved by City Council on December 16, 2001, Police Commission conditional approval on December 11, 2001, approval January 8, 2002; Additional MSRP Staff Authorization, approved by the Police Commission April 23, 2002, approved by City Council April 30, 2002, approved by the Mayor May 7, 2002; Special Order No. 13, "*Training Evaluation and Management System - Guidelines*", dated April 5, 2002; Submittal of revised RMIS Requirements/Design Document on September 6, 2002; October 28, 2002, renewed request for peer group definition approval.

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Activities:

In January 2001 the City established a TEAMS II Working Group to oversee development of the Risk Management Information System (RMIS) (e.g. TEAMS II as defined in the Consent Decree) and all related tasks essential to successful implementation of the system, including infrastructure, development of related source systems, training, development of RMIS use protocols, and funding. The TEAMS II Work Group includes representatives from the Chief Legislative Analyst Office, the Mayor's Office, City Administrative Officer (CAO), Information Technology Agency (ITA), LAPD representatives from Risk Management Group (RMG) and Information Technology Division (ITD), and other entities as appropriate. The TEAMS II Work Group met weekly until April, 2002. With implementation of the Management Systems Re-engineering Project (MSRP), the TEAMS II Working Group meets monthly. Independent Monitor representatives attend the meeting regularly. In addition, monthly TEAMS II monitoring meetings are held with the Independent Monitor and DOJ.

The City submitted the RMIS data elements on September 17, 2001 and the RMIS Requirements/Design document on October 1, 2001 to the DOJ and the Independent Monitor (see paragraphs 45 and 50). DOJ provided comments on the document to the City on November 7, 2001. Pursuant to the time frames established in paragraph 50, the City was required to respond to the comments submitted by DOJ on the RMIS Requirements/Design Document within 10-days; November 26, 2001. The City submitted a global response to DOJ's comments on December 13, 2001. Response to the approximately 140 data element requests was submitted to DOJ on January 15, 2002. On February 11, 2002, the DOJ responded to the City's December 13, 2001 and January 15, 2002, responses to DOJ comments. The week of February 11, 2002, the City and DOJ met over a three-day period to discuss issues. Several subsequent dialogs and informal exchanges of information between the City and DOJ occurred in February and early March. In consideration of the discussions with DOJ, the City again reviewed each of the 140 data element items included in DOJ's November 7, 2001, RMIS Requirements/Design Document comment letter and previously responded to by the City on January 15, 2002. City staff informally shared draft written information with DOJ staff on February 26, 2002, and March 11, 2002, in an effort to further resolve issues. The City and

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DOJ met over a three-day period the week of March 15, 2002, in an effort to resolve outstanding issues. On May 8, 2002, the City submitted a draft of a comprehensive written response to DOJ detailing the City's position with regard to each requested item, as well as supporting information, allowing for further discussion to DOJ. The City and DOJ met to discuss outstanding issues on May 9, 2002, and follow-up conference calls were held May 23, and May 29, 2002. Several additional informal conversations were held, as well as the monthly monitoring TEAMS II meeting in June. On July 11, 2002, the City provided DOJ with a discussion draft of the revised RMIS Requirements/Design Document which incorporates the agreed upon changes. The DOJ provided comments on some aspects of the draft document on July 22, 2002. The City and DOJ continued discussions and informal exchanges of documents through August 2002.

On September 6, 2002, the City submitted a revised RMIS Requirements/Design Document to DOJ for approval. On September 11, 2002, the City submitted a corrected page 84 to RMIS Requirements/Design Document to DOJ. On October 3, 2002, the DOJ submitted a letter to the City seeking clarification regarding applicability of the Consent Decree TEAMS II provision to the Use of Force System (UOFS) and the Complaint Management System (CMS). The City clarification was discussed with the Independent Monitor and the DOJ in the October monthly TEAMS II monitoring meeting. The City responded in writing to the DOJ on October 18, 2002.

On November 15 and December 5, 2002, the DOJ submitted letters to the City requesting that the City advise the DOJ as to whether or not the City had changed its position on including in the RMIS the data identifying use of force incidents where the suspect appeared to be mentally ill and proposing an alternative for City consideration, respectively. In DOJ's December 5, 2002, letter, the DOJ suggested that the City initiate the evaluation of the mental health data element as proposed by the City and discussed in Section 11.2 of the RMIS Requirements/ Design Document during the proposed RMIS pilot program. The City's primary focus during the RMIS pilot program must be the validation of the system, system acceptance testing, and preparation for Department-wide deployment. These activities are anticipated to be resource-intensive. However, if resources were available during the RMIS pilot program to initiate the UOF mental illness data element evaluation at that time, the City would do so. However, due to the uncertainties of the resource needs and issues

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that may arise during the proposed RMIS pilot program period, the City was unable to commit to initiating the evaluation at that time. Therefore, the City's commitment remains that a "written re-evaluation will be provided to DOJ and the Independent Monitor no later than seven (7) months after the RMIS becomes operational pursuant to paragraph 50(d)," with the aim to initiate the evaluation during the RMIS pilot program if feasible and appropriate. The City's response was submitted to DOJ on December 11, 2002, as requested by DOJ.

Although DOJ approval of the RMIS Requirements/Design Document has been delayed, the City has proceeded with RMIS-related development activities. Such activities are further detailed below. DOJ and the Independent Monitor have participated in several of these activities.

RMIS Request for Proposals

A Request for Proposal for RMIS and Use of Force System (UOFS) design, development and implementation (RMIS/UOFS RFP) was released on November 27, 2002. A pre-bid conference was held on December 9, 2002. Proposals were due January 24, 2003. The City received six proposals. Preliminary review of the proposals was initiated January 27, 2003.

The RFP includes an optional multi-step RFP process to ensure competitive bids and competitive project implementation schedules for this very complex and resource intensive project. Clarifications to the RMIS and UOFS requirements/design, project approach, and related project requirements identified during the proposal review process may indicate that the competitive proposal process would be improved by utilizing the optional multi-step RFP process.

RMIS Use Protocol Development

The Management Systems Reengineering Project (MSRP) has initiated development of RMIS thresholds, reports, and peer groups that are both integral to RMIS design and development, as well as to use protocol development.

The City provided the DOJ with the definition of peer groups to be utilized in the October 1, 2002 RMIS Requirements/Design Document. At the request of DOJ (DOJ letter dated November 7, 2001) the City removed the peer group definition from the RMIS Requirements/Design Document to provide DOJ with additional time to review the issue.

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Peer group comparison functionality must be designed into the Risk Management Information System (RMIS). Therefore, as discussed in Section 11.1 of the revised RMIS Requirements/Design Document, although the Consent Decree provides for the completion of the RMIS use protocol after the development of the RMIS beta version, the resolution of certain RMIS use protocol issues (including the peer group definition) is essential to RMIS data mart design and development and must be completed early in the RMIS design process. To accommodate this need a phased RMIS use protocol process was established.

On October 28, 2002, the City formally requested DOJ to approve the peer group definition included in the RMIS Requirements/Design Document. The DOJ responded regarding Risk Management Information System (RMIS) peer group definition approval in a letter dated December 20, 2002. On January 16, 2003, the City submitted a letter to DOJ seeking to clarify DOJ's response and proposed peer group definition approval.

Management Systems Reengineering Project (MSRP)

As previously reported to the Court, on December 16, 2001, the City acted to establish MSRP. The MSRP is a unique structure within the City, which combines LAPD and ITA resources to ensure close coordination and communication between these essential TEAMS II development entities. The MSRP has primary over the TEAMS II Development Program, including but not limited to the Risk Management Information System (RMIS), Complaint Management System (CMS), Use of Force System (UOFS), central access control module, personnel tracking system, and interfaces with existing systems.

Staffing of the MSRP is a significant effort and will take some time to accomplish. However, the hiring process has been initiated and is in process. Of the 32 MSRP positions authorized, 25 positions have been filled to date. Improvements to the MSRP lease space were completed, furniture and computer equipment installed, and staff relocated to the facility in November 2002.

The MSRP is currently working on reviewing the RMIS/UOFS proposals, drafting RFP's for CMS and access control, and reviewing existing LAPD systems, systems architecture issues, and infrastructure. MSRP developed a preliminary TEAMS II schedule and provided DOJ and the Independent Monitor with copies for review and comment on June 13, 2002. The schedule will

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become more definite upon formal approval of the RMIS Requirements/Design Document by DOJ and/or execution of a contract for development of the system.

Technical Architecture

As previously reported to the Court, the City contracted with IBM Global Services in December 2001 to provide expert technical architect services for the TEAMS II Development Program. The MSRP reviewed tool options to ensure informed decisions regarding TEAMS II technology, as such decisions may have long-term citywide implications.

Based upon that review, the City established a set a preferred TEAMS II Development Program tools which was included in the RMIS/UOFS RFP. Proposers were provided the opportunity to suggest other tool options for City consideration and evaluation via the RFP process. The City will continue to exercise due diligence and keep the long term success of the project in mind to ensure that the decisions made early in the project establish a firm footing for the long term success and operation of the RMIS and all other TEAMS II Development Program systems.

Complaint Management System (CMS)

IBM submitted the final CMS Design Document to the City in October 2002. The final CMS Design Document will be the basis for the CMS RFP. However, some workflow changes will be required pursuant to the proposed changes in the complaint process. It is currently anticipated that the CMS RFP will be released in early 2003.

The LAPD Internal Affairs Group (IAG) has continued to make modifications to the existing complaint management systems to better track complaint processing. In addition, IAG continues to place on the LAPD intranet statistics, presented in a graphical user friendly format, regarding complaint volumes in certain categories by Division. This continues to provide managers and supervisors information appropriate to review their Division's operations that was not previously readily available, thereby enhancing LAPD risk management capabilities as TEAMS II Development Program efforts proceed.

Use of Force System (UOFS)

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As previously reported to the Court, due to the complexities of concurrent systems development, work on the UOFS was delayed. With implementation and staffing of the MSRP, work once again has been initiated on the UOFS. The UOFS requirements and workflow were validated and the system requirements were included in RMIS/UOFS RFP.

Access Control Systems

The Position Tracking System, part of the Training Management System (TMS), was originally planned to be used to provide chain-of-command information to the RMIS, providing the foundation for systems access and control. However, with implementation of the flexible work schedule, there was concern that the TMS would be inadequate to reflect the revised chain-of-command structure associated with the flexible work schedule. The MSRP has been working to define access control requirements necessary to assess the most appropriate manner of addressing the chain-of-command hierarchy and access control needs of the RMIS. Once completed, the requirements will be evaluated within the context of TMS revisions required to address the requirements and new system development options.

The LAPD is currently undergoing re-structuring at the direction of Chief Bratton. Such organizational changes will further impact the TMS and require additional modifications to the system.

As the City continues to review the feasibility and appropriateness of developing a supplement to the existing Training Management System (TMS) to address the identified information/functionality gap, it also is considering other potential methods of addressing the issues identified. In addition, the City included enhancements to the TMS and development of a central access control module in the RMIS/UOFS RFP as options for proposers to address.

Deployment Period System (DPS)

The MSRP has developed a requirements document and draft RFP for a deployment period system (DPS) for consideration by the City. The DPS is one option for potentially addressing the chain-of-command system gap that must be remedied in order to accommodate the security and access control required for RMIS, CMS, and UOFS.

Current Database Review

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The MSRP has initiated the process of reviewing existing data base systems and prioritizing required source system enhancements. The current focus of MSRP's efforts is the existing LAPD use of force and complaint management applications.

APRIS/ICARS

On April 30, 2002, the City executed a $2.4 million contract with KPMG Consulting, Inc., now Bearing Point Inc., for stabilization and enhancement of the LAPD Automated Personnel Records Imaging System (APRIS) and Integrated Crime and Arrest Records System (ICARS). Although not considered part of the TEAMS II Development Program, this project is essential to meeting the City's commitments regarding access to arrest and priority one crime reports. The project was scheduled to be completed in December 2002. It is currently anticipated that the project will be completed in February-March 2003.

Plans are being made to migrate data from the old 12" 7GB optical platters to more current 5.25GB optical media. More platters must be migrated than originally planned. There will be a 45-day acceptance test period for the City.

TEAMS 1.5

As previously reported to the Court, the City is implementing TEAMS 1.5, which is designed to provide greater access to TEAMS I information department-wide. TEAMS 1.5 has now been implemented in the 4 geographic Bureaus,18 geographic Areas, and several specialty divisions. Implementation of TEAMS 1.5 remains pending at LAPD's 4th and Spring Street facilities until technical issues at those facilities can be resolved. In addition, due to the priority of the new 911 call center, deployment of TEAMS 1.5 to Internal Affairs Group Ethics Enforcement and Special Operations Sections was delayed. It is currently anticipated that TEAMS 1.5 will be made available to those Sections in February 2003.

The implementation of TEAMS 1.5 has resulted in increased use of TEAMS department-wide. In June 2001, approximately 3,500 transaction requests were logged by the TEAMS server. In June 2002 approximately 6,200 transaction requests were logged by the TEAMS server and the TEAMS 1.5 web-based application ,combined. In November, 2002, approximately 6,700 transaction requests were logged.

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Decree ¶40

Decree Language:

"40. The Commission, the Inspector General, and the Chief of Police shall each have equal and full access to TEAMS II, and may each use TEAMS II to its fullest capabilities in performing their duties and responsibilities, subject to restrictions on use of information contained in applicable law. To the extent that highly sensitive information is contained in TEAMS II, the Commission may impose an identical access restriction on itself and the Inspector General to such information, provided that no such access restriction may in any way impair or impede implementation of this Agreement. The Department shall establish a policy with respect to granting or limiting access to TEAMS II by all other persons, including the staff of the Commission and the Inspector General, but excluding DOJ and the Monitor, whose access to TEAMS II is governed by paragraphs 166, 167, and 177."

PROGRESS/STATUS SUMMARY

Due Dates: See Paragraph 39

Current Compliance Status: Compliance

Policy/Procedure: See Paragraph 39

Activities:

General access requirements, consistent with the requirements of paragraph 40, are presented in the RMIS Requirements/Design document submitted to the DOJ and Independent Monitor on October 1, 2001, and September 6, 2002. RMIS access and control is being addressed by the City in several different manners (see paragraph 39). With the current restructuring of LAPD, the designation of the existing OHB may be modified.

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Decree ¶41

Decree Language:

"41. TEAMS II shall contain information on the following matters:

a. all non-lethal uses of force that are required to be reported in LAPD "use of force" reports or otherwise are the subject of an administrative investigation by the Department;

b. all instances is which a police canine bites a member of the public;

c. all officer-involved shootings and firearms discharges, both on-duty and off-duty (excluding training or target range shootings, authorized ballistic testing, legal sport shooting events, or those incidents that occur off-duty in connection with the recreational use of firearms, in each case, where no person is hit by the discharge);

d. all other, lethal uses of force;

e. all other injuries and deaths that are reviewed by the LAPD Use of Force Review Board (or otherwise are the subject of an administrative investigation);

f. all vehicle pursuits and traffic collisions;

g. all Complaint Form 1.28 investigations;

h. with respect to the foregoing clauses (a) through (g), the results of adjudication of all investigations (whether criminal or administrative) and discipline imposed or non-disciplinary action taken;

i. all written compliments received by the LAPD about officer performance;

j. all commendations and awards;

k. all criminal arrests and investigations known to LAPD of, and all charges against, LAPD employees;

l. all civil or administrative claims filed with and all lawsuits served upon the City or its officers, or agents, in each case resulting from LAPD operations, and all lawsuits served on an officer of the LAPD resulting from LAPD

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operations and known by the City, the Department, or the City Attorney's Office;

m. all civil lawsuits filed against LAPD officers which are required to be reported to the LAPD pursuant to paragraph 77;

n. all arrest reports, crime reports, and citations made by officers, and all motor vehicle stops and pedestrian stops that are required to be documented in the manner specified in paragraphs 104 and 105;

o. assignment and rank history, and information from performance evaluations for each officer;

p. training history and any failure of an officer to meet weapons qualification requirements; and

q. all management and supervisory actions taken pursuant to a review of TEAMS II information, including non-disciplinary actions.

TEAMS II further shall include, for the incidents included in the database, appropriate additional information about involved officers (*e.g.*, name and serial number), and appropriate information about the involved members of the public (including demographic information such as race, ethnicity, or national origin). Additional information on officers involved in incidents (e.g., work assignment, officer partner, field supervisor, and shift at the time of the incident) shall be determinable from TEAMS II."

PROGRESS/STATUS SUMMARY

Due Dates:

Current Compliance Status: See paragraph 39

Policy/Procedure:

Activities:

The data elements and data element values to be included in the RMIS, consistent with the information requirements of paragraph 41, are presented in the RMIS Requirements/Design

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Documents submitted to the DOJ and Independent Monitor on October 1, 2001 and September 6, 2002 (see paragraph 39).

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Decree ¶42

Decree Language:

"42. The Department shall prepare and implement a plan for in-putting historical data into TEAMS II (the Data Input Plan). The City shall have flexibility in determining the most cost effective, reliable and time sensitive means for inputting such data, which may include conversion of existing computerized databases. The Data Input Plan will identify the data to be included and the means for inputting such data (whether conversion or otherwise), the specific fields of information to be included, the past time periods for which information is to be included, the deadlines for inputting the data, and will assign responsibility for the input of the data. The City will use reasonable efforts to include historical data that are up-to-date and complete in TEAMS II. The amount, type and scope of historical data to be included in TEAMS II shall be determined by the City, after consultation with the DOJ, on the basis of the availability and accuracy of such data in existing computer systems, the cost of obtaining or converting such data, and the impact of including or not including such data will have on the overall ability of the Department to use TEAMS II as an effective tool to manage at-risk behavior. The means and schedule for inputting such data will be determined by the City in consultation with DOJ, taking into consideration the above factors, as well as the City's ability to meet its obligations under paragraph 50. With regard to historic use of force data, the City shall make the determinations required by this paragraph for the beta version of TEAMS II required by paragraph 50(c) and again for the final version of TEAMS II."

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PROGRESS/STATUS SUMMARY

Due Dates:

Current Compliance Status: See paragraph 39

Policy/Procedure:

Activities:

The MSRP has initiated the process of reviewing existing data base systems and prioritizing required source system enhancements. Several issues, such as potential data gaps, have been identified that will need to be resolved. The current focus of MSRP's efforts is the existing LAPD use of force and complaint management applications.

Decree ¶43

Decree Language:

"43. TEAMS II shall include relevant numerical and descriptive information about each incorporated item and incident, and scanned or electronic attachments of copies of relevant documents (e.g., through scanning or using computerized word processing). TEAMS II shall have the capability to search and retrieve (through reports and queries) numerical counts, percentages and other statistical analyses derived from numerical information in the database; listings; descriptive information; and electronic document copies for (a) individual employees, LAPD units, and groups of officers, and (b) incidents or items and groups of incidents or items. TEAMS II shall have the capability to search and retrieve this information for specified time periods, based on combinations of data fields contained in TEAMS II (as designated by the authorized user).

PROGRESS/STATUS SUMMARY

Activities:

The RMIS functionality, consistent with the information requirements of paragraph 43, is presented in the RMIS Requirements/Design Documents submitted to the DOJ and Independent Monitor on October 1, 2001 and September 6, 2002 (see paragraph 39).

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Decree ¶44

Decree Language:

"44. Where information about a single incident is entered in TEAMS II from more than one document (e.g., from a Complaint Form 1.28 and a use of force report), TEAMS II shall use a common control number or other equally effective means to link the information from different sources so that the user can cross-reference the information and perform analyses. Similarly, all personally identifiable information relating to LAPD officers shall contain the serial or other employee identification number of the officer to allow for linking and cross-referencing information."

PROGRESS/STATUS SUMMARY

Due Dates:

Current Compliance Status: See paragraph 39

Policy/Procedure:

Activities:

The RMIS includes cross-referencing capabilities, consistent with the information requirements of paragraph 44. Cross-referencing functionality requirements are presented in the RMIS Requirements/Design submitted to the DOJ and Independent Monitor on October 1, 2001 and September 6, 2002 (see paragraph 39).

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Decree ¶45

Decree Language:

"45. The City shall prepare a design document for TEAMS II that sets forth in detail the City's plan for ensuring that the requirements of paragraphs 41, 43, and 44 are met, including: (i) the data tables and fields and values to be included pursuant to paragraphs 41 and 43 and (ii) the documents that will be electronically attached. The City shall prepare this document in consultation with the DOJ and the Monitor, and shall obtain approval for such design document from the DOJ, which approval shall not be unreasonably withheld."

PROGRESS/STATUS SUMMARY

Due Dates: See paragraph 39

Current Compliance Status: Compliance

Policy/Procedure: See paragraph 39

Activities:

The City submitted the RMIS data elements, data element values, and documents that will be viewable in the RMIS to the DOJ and Independent Monitor on September 17, 2001, consistent with the requirements of paragraph 45. This information is fundamental to the design of the RMIS. The City submitted the RMIS Requirements/Design document to the DOJ and Independent Monitor on October 1, 2001 (see paragraphs 39 and 50). The City submitted a revised RMIS Requirements/Design Document to DOJ for approval on September 6, 2002 (see paragraph 39).

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Decree ¶46

Decree Language:

"46. The Department shall develop and implement a protocol for using TEAMS II, for purposes including supervising and auditing the performance of specific officers, supervisors, managers, and LAPD units, as well as the LAPD as a whole. The City shall prepare this protocol in consultation with the DOJ and the Monitor, and shall obtain approval for the protocol and any subsequent modifications to the protocol from the DOJ for matters covered by paragraph 47, which approval(s) shall not be unreasonably withheld. The City shall notify DOJ of proposed modifications to the protocol that do not address matters covered by paragraph 47 prior to implementing such modifications. In reviewing the protocol and the design document for approval, DOJ shall use reasonable efforts to respond promptly to the City in order to enable the City to meet the deadlines imposed by paragraph 50."

PROGRESS/STATUS SUMMARY

Due Dates:

Current Compliance Status: See paragraph 39

Policy/Procedure:

Activities:

The TEAMS II unit within the Human Resources Bureau, Risk Management Group, established and operational on April 30, 2000, is the lead on development of RMIS use protocols (see paragraph 53). The TEAMS II section of the Risk Management Group will be incorporated into the MSRP during TEAMS II development activities (see paragraph 39). With the current restructuring of LAPD, the designation of the existing OHB may be modified.

The development of: 1) thresholds pursuant to paragraph 47 (d) which requires RMIS review by supervisors and managers: 2) reports and comparisons pursuant to paragraph 47(k), and 3) peer groups have been identified as priorities, as this information is needed for the RMIS design effort. Therefore, as discussed in Section 11.1 of the August 2002 RMIS Requirements/Design Document,

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although the Consent Decree provides for the completion of the RMIS use protocol after the development of the RMIS beta version, the resolution of certain RMIS use protocol issues (including the peer group definition) is essential to RMIS data mart design and development and must be completed early in the RMIS design process. To accommodate this need a phased RMIS use protocol process was established.

On October 28, 2002, the City formally requested DOJ to approve the peer group definition included in the RMIS Requirements/Design Document. The DOJ responded regarding Risk Management Information System (RMIS) peer group definition approval in a letter dated December 20, 2002. On January 16, 2003, the City submitted a letter to DOJ seeking to clarify DOJ's response and proposed peer group definition approval (see also paragraph 39).

RMIS use protocols would also address other TEAMS II review mandates contained throughout the Consent Decree, such as paragraph 53, 64, 83, 97, 107, 137, and 138.

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Decree ¶47

Decree Language:

"47. The protocol for using TEAMS II shall include the following provisions and elements:

a The protocol shall require that, on a regular basis, supervisors review and analyze all relevant information in TEAMS II about officers under their supervision to detect any pattern or series of incidents that indicate that an officer, group of officers, or an LAPD unit under his or her supervision may be engaging in at-risk behavior.

b. The protocol shall provide that when at-risk behavior may be occurring based on a review and analysis described in the preceding subparagraph, appropriate managers and supervisors shall undertake a more intensive review of the officer's performance.

c. The protocol shall require that LAPD managers on a regular basis review and analyze relevant information in TEAMS II about subordinate managers and supervisors in their command regarding the subordinate's ability to manage adherence to policy and to address at-risk behavior.

d The protocol shall state guidelines for numbers and types of incidents requiring a TEAMS II review by supervisors and managers (in addition to the regular reviews required by the preceding subparagraphs), and the frequency of these reviews.

e. The protocol shall state guideline for the follow-up managerial or supervisory actions (including non-disciplinary actions) to be taken based on reviews of the information in TEAMS II required pursuant to this protocol.

f. The protocol shall require that manages and supervisors use TEAMS II information as one source of information in determining when to undertake an audit of an LAPD unit or group of officers.

g. The protocol shall require that all relevant and appropriate information in TEAMS II be taken into account when selecting officers for assignment to the

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OHB Unit established in paragraph 55, units covered by paragraph 106, pay grade advancement, promotion, assignment as an IAG investigator or as a Field Training Officer, or when preparing annual personnel performance evaluations. Complaints and portions of complaints not permitted to be used in making certain decisions under state law shall not be used in connection with such decisions and TEAMS II shall reflect this limitation by excluding such complaints and portions of complaints from the information that is retrieved by a query or report regarding such decisions. Supervisors and managers shall be required to document their consideration of any sustained administrative investigation, adverse judicial finding, or discipline against an officer in each case for excessive force, false arrest or charge, improper search or seizure, sexual harassment, discrimination, or dishonesty in determining when such officer is selected for assignment to the OHB Unit, units covered by paragraph 106, pay grade advancement, promotion, or assignment as an IAG investigator or as a Field Training Officer, or when preparing annual personnel performance evaluations.

h. The protocol shall specify that actions taken as a result of information from TEAMS II shall be based on all relevant and appropriate information, and not solely on the number or percentages of incidents in any category recorded in TEAMS II.

i. The protocol shall provide that managers' and supervisors' performance in implementing the provisions of the TEAMS II protocol shall be taken into account in their annual personnel performance evaluations.

j. The protocol shall provide specific procedures that provide for each LAPD officer to be able to review on a regular basis all personally-identifiable data about him or her in TEAMS II in order to ensure the accuracy of that data. The protocol also shall provide for procedures for correcting data errors discovered by officers in their review of the TEAMS II data.

k. The protocol shall require regular review by appropriate mangers of all relevant TEAMS II information to evaluate officer performance citywide, and to

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evaluate and make appropriate comparisons regarding the performance of all LAPD units in order to identify any patterns or series of incidents that may indicate at-risk behavior. These evaluations shall include evaluating the performance over time of individual units, and comparing the performance of units with similar responsibilities:

l. The protocol shall provide for the routine and timely documentation in TEAMS II of actions taken as a result of reviews of TEAMS II information.

m. The protocol shall require that whenever an officer transfers into a new Division or Area, the Commanding officer of such new Division or Area shall promptly cause the transferred officer's TEAMS II record to be reviewed by the transferred officer's watch commander or supervisor. This shall not apply to probationary Police Officers I."

PROGRESS/STATUS SUMMARY

Due Dates:

Current Compliance Status: See paragraph 39

Policy/Procedure:

Activities:

The TEAMS II unit within the Human Resources Bureau, Risk Management Group, established and operational on April 30, 2000, is the lead on development of RMIS use protocols (see paragraph 53). With the current restructuring of LAPD, the designation of the existing OHB may be modified. The TEAMS II section of the Risk Management Group will be incorporated into the MSRP during TEAMS II development activities (see paragraph 39).

The development of: 1) thresholds pursuant to paragraph 47 (d) which requires RMIS review by supervisors and managers: 2) reports and comparisons pursuant to paragraph 47(k), and 3) peer groups have been identified as priorities, as this information is needed for the RMIS design effort. Delays in definition of these items will result in RMIS design delays (see also paragraphs 39 and 46).

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RMIS use protocols would also address other TEAMS II review mandates contained throughout the Consent Decree, such as paragraph 53, 64, 83, 97, 107, 137, and 138.

Paragraph 47 (g) and (i) have been identified as a meet and confer items.

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Decree ¶48

Decree Language:

"48. The LAPD shall train managers and supervisors, consistent with their authority, to use TEAMS II to address at-risk behavior and to implement the protocol described in paragraphs 46 and 47."

PROGRESS/STATUS SUMMARY

Due Dates:

Current Compliance Status: See paragraph 39

Policy/Procedure:

Activities:

Training regarding RMIS will be undertaken when the system is provided for use. Since the system is under development training plans have not been initiated. Minimum training needs are identified in the RMIS Requirements/Design Documents submitted to DOJ and the Independent Monitor on October 1, 2001 and September 6, 2002, and in the RMIS/UOFS RFP.

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Decree ¶49

Decree Language:

"49. The City shall maintain all personally identifiable information about an officer included in TEAMS II during the officer's employment with the LAPD and for at least three years thereafter (unless otherwise required by law to be maintained for a longer period). Information necessary for aggregate statistical analysis shall be maintained indefinitely in TEAMS II. On an ongoing basis, the City shall make all reasonable efforts to enter information in TEAMS II in a timely, accurate, and complete manner, and to maintain the data in a secure and confidential manner consistent with the applicable access policy as established pursuant to paragraph 40."

PROGRESS/STATUS SUMMARY

Due Dates:

Current Compliance Status: See paragraph 39

Policy/Procedure:

Activities:

The RMIS Requirements/Design Documents, submitted to the DOJ and the Independent Monitor on October 1, 2001, and September 6, 2002, include specifications regarding data retention.

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Decree ¶50

Decree Language:

"50. TEAMS II shall be developed and implemented according to the following schedule:

a. Within three months of the effective date of this Agreement, the City shall submit the design document required by paragraph 45 to DOJ for approval. The City shall share drafts of this document with the DOJ and the Monitor to allow the DOJ and the Monitor to become familiar with the document as it develops and to provide informal comments on it. The City and the DOJ shall together seek to ensure that the design document receives formal approval within 30 days after it is submitted for approval. The City shall respond to any DOJ written comments or objections during the approval process within 10 days, excluding weekends and state and federal holidays. Such response shall explain the City's position and propose changes to the design document as appropriate to respond to DOJ's concerns.

b. Within 15 months of DOJ's approval of the design document pursuant to paragraph 50(a), the City shall submit the protocol for using TEAMS II required by paragraph 46 to DOJ for approval. The City shall share drafts of this document with the DOJ and the Monitor to allow the DOJ and the Monitor to become familiar with the document as it develops and to provide informal continents on it. The City and DOJ shall together seek to ensure that the protocol receives final approval within 60 days after it is presented for approval. The City shall respond to any DOJ written comments or objections during the approval process within 10 days, excluding weekends and state and federal holidays. Such response shall explain the City's position and propose any changes to the protocol as appropriate to respond to DOJ's concerns, together with a schedule for making the proposed changes.

c. Within 12 months of the approval of the design document pursuant to paragraph 50(a), the City shall have ready for testing a beta version of TEAMS II consisting of: (i) server hardware and operating systems installed, configured and

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integrated with the LAPD intranet; (ii) necessary data base software installed and configured; (iii) data structures created, including interfaces to source data; and (iv) the use of force information system completed, including, subject to paragraph 42, historic data. The DOJ and the Monitor shall have the opportunity to participate in testing the beta version using use of force data and test data created specifically for purposes of checking the TEAMS II system. As a beta version of TEAMS II becomes operational, it shall be used is conjunction with TEAMS I and Internal Affairs Group Form 1.80's to satisfy the requirements of paragraph 51 until TEAMS II is fully implemented.

d. The TEAMS II computer program and computer hardware shall be operational and implemented to the extent possible, subject to the completion of the protocol for using TEAMS II required by paragraph 46, within 21 months of the approval of the design document pursuant to paragraph 50(a).

e. TEAMS II shall be implemented fully within the later of 21 months of the approval of the design document pursuant to paragraph 50(a), or 6 months of the approval of the protocol for using TEAMS II pursuant to paragraph 50(b)."

PROGRESS/STATUS SUMMARY

Due Dates: September 17, 2001 TEAMS II Design Document/
February 3, 2004 Beta Test Version & UOFS w/ Historic Data/
May 3, 2004 Protocol for Use/
November 3, 2004 TEAMS II Operational

Current Compliance Status: Compliance/In-Progress

Policy/Procedure: Submittal of RMIS data elements on September 17, 2001 and the Requirements/Design document on October 1, 2001; submittal of response to DOJ's comments; Submittal of revised RMIS Requirements/Design Document on September 6, 2002; October 28, 2002, renewed request for peer group definition approval/In-Progress

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Activities:

The RMIS Requirements/Design document was scheduled for submittal to the DOJ and Independent Monitor by September 17, 2001. The City submitted the RMIS Requirements/Design document to the DOJ and the Independent Monitor on October 1, 2001. The document was e-mailed on October 1, 2001, with a hard copy delivered on October 3, 2001. However, the City did submit the RMIS data elements, data element values, and documents that will be viewable in the RMIS to the DOJ and Independent Monitor on September 17, 2001, consistent with the requirements of paragraph 45. On September 6, 2002, the City submitted a revised RMIS Requirements/Design Document to DOJ for approval (see paragraph 39).

On August 1, 2001, the City transmitted draft RMIS Requirements and draft RMIS Design documents, both dated July 30, 2001, to DOJ and the Independent Monitor consistent with the requirements of paragraph 50 (a). In addition on July 9, 2001, the City transmitted to the Independent Monitor, the draft UOFS Requirements Document, the RMIS draft Requirements Document dated June 15, 2001, and the City's comments to LSS regarding those documents. The City's comments to LSS on the RMIS draft documents were transmitted to the DOJ on July 27, 2001.

The City continues to move forward with RMIS related activities, including release of an RFP for RMIS and UOFS technical design and development (see paragraph 39).

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Decree ¶51

Decree Language:

"51. The LAPD shall, until such time as TEAMS II is implemented, utilize existing databases, information and documents to make certain decisions, as follows:

a. Selection of officers for assignment to the OHB Unit or as IAG investigators shall require that the LAPD review the applicable IAG Form 1.80's, and all pending complaint files for such officers, in conjunction with the officer's TEAMS I record.

b. Selection of officers as FTOs or for units covered by paragraph 106 shall require that the LAPD review the applicable TEAMS I record for such officer.

c. Whenever an officer transfers into a new Division or Area, the Commanding Officer of such new Division or Area shall promptly cause the transferred officer's TEAMS I record to be reviewed by the transferred officer's watch commander or supervisor. This shall not apply to Probationary Police Officers 1.

d. To the extent available from the reviews required by this paragraph, supervisors and managers shall be required to document their consideration of any sustained administrative investigation, adverse judicial finding, or discipline against an officer, in each case, for excessive force, false arrest or charge, improper search or seizure, sexual harassment, discrimination, or dishonesty in determining when such officer is selected for assignment to the OHB Unit, units covered by paragraph 106, or assignment as an IAG investigator or Field Training Officer."

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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Current Practice/Paragraphs 8 and 184

Policy/Procedure: Special Order No. 41, "*Training Evaluation and Management System/Personnel History Management Policy,*" published December 19, 2001; Additional Policies/Procedures Pending Meet and Confer.

Activities:

Paragraph 51 in total has been identified as a meet and confer item.

To assist with the meet and confer process and to expedite implementation of Paragraph 51 should it turn out to be the result of the meet and confer process, the LAPD has developed a draft form to assist Department managers in the review and consideration of personnel assignments required by Paragraph 51. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

TEAMS I records are currently reviewed by many supervisors for appointments to positions including CIID, IAG, FTO, and Special Units, however there is no official codification to require such reviews and no standardized format to document the results of the review. LAPD has reviewed TEAMS I records and IAG Form 1.80s for appointments to IAG (see paragraph 99) and CIID (see paragraph 55) since June 15, 2001.

TEAMS 1.5, designed to provide greater access to TEAMS I information is making it easier for supervisors to review employee TEAMS I records as appropriate, is now operational in all 18 geographical Areas (see paragraph 39).

Decree ¶52

Decree Language:

"52. Following the initial implementation of TEAMS II, and as experience and the availability of new technology may warrant, the City may or may cause the Department to add, subtract, or modify data tables and fields, modify the list of documents electronically attached, and add, subtract, or modify standardized reports and queries. The City shall or shall cause the Department to consult with the DOJ and the Monitor before subtracting or modifying any data tables or data fields, or modifying the list of documents to be electronically attached, and make all reasonable modifications to the proposed alterations based on any objections by the DOJ.

PROGRESS/STATUS SUMMARY

Due Date: Post RMIS Requirements/Design Document Approval/Post TEAMS II

Current Compliance Status: Compliance

Policy/Procedures: RMIS Requirements/Design Document

Activities:

The City submitted the RMIS Requirements/Design Document to DOJ for approval on October 1, 2001and a revised RMIS Requirements/Design Document was submitted to DOJ on September 6, 2002 for approval (see paragraphs 39 and 50). Compliance with the procedures established in Consent Decree paragraph 52 in regard to changes to the RMIS Design and changes after the system is operational are memorialized in the revised RMIS Requirements/Design Document submitted to DOJ for approval on September 6, 2002.

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B. *Management and Coordination of Risk Assessment Responsibilities*

Decree ¶53

Decree Language:

"53. The LAPD shall designate a unit within the Human Resources Bureau that is responsible for developing, implementing, and coordinating LAPD-wide risk assessments. Such unit shall be responsible for the operation of TEAMS II, and for ensuring that information is entered into and maintained in TEAMS II in accordance with this Agreement. Such unit further shall provide assistance to managers and supervisors who are using TEAMS II to perform the tasks required hereunder and in the protocol adopted pursuant to paragraphs 46 and 47 above, and shall be responsible for ensuring that appropriate standardized reports and queries are programmed to provide the information necessary to perform these tasks. Nothing in this Agreement shall preclude such unit from also having the responsibility for providing investigative support and liaison with the Office of the City Attorney."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: The TEAMS II unit within the Human Resources Bureau, Risk Management Group, was established and operational on April 30, 2000; Special Order No. 18 - "*Risk Management Group - Established*," approved by the Police Commission September 18, 2001; Establishment of the Management Systems Reengineering Project (MSRP) approved by City Council on December 16, 2001, approved by the Police Commission December 11, 2001 and reaffirmed establishment of MSRP on January 8, 2002; Additional MSRP Staff Authorization, approved by the Police Commission April 23, 2002, approved by City Council, April 30, 2002, approved by the Mayor, May 7, 2002.

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Activities:

The TEAMS II section of the Risk Management Group, established in the Human Resources Bureau (OHB), has been incorporated into the MSRP during TEAMS II development activities. This co-location and management structure is essential to ensuring close coordination during TEAMS II development activities and to facilitate implementation of TEAMS II and use of TEAMS II by the Risk Management Group upon RMIS implementation. With the current restructuring of LAPD, the designation of the existing OHB may be modified. However, the internal LAPD structure will remain consistent with the requirements of paragraph 53. See paragraph 39 for additional details on the MSRP.

The RMIS use protocols are under initial development and will address use of the RMIS for development of LAPD-wide risk assessments and access to TEAMS II. A staged protocol development process has been utilized in cooperation with DOJ for peer group definition review and approval and is anticipated to be similarly utilized in the future to further facilitate RMIS development. See paragraph 47.

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C. *Performance Evaluation System*

Decree ¶54

Decree Language:

"54. Within 24 months of the effective date of this Agreement, the Department shall develop and initiate implementation of a plan consistent with applicable federal and state law and the City Charter that ensures that annual personnel performance evaluations are prepared for all LAPD sworn employees that accurately reflect the quality of each sworn employee's performance, including with respect to: (a) civil rights integrity and the employee's community policing efforts (commensurate with the employee's duties and responsibilities); (b) managers' and supervisors' performance in addressing at-risk behavior including the responses to Complaint, Form 1.28 investigations; (c) managers' and supervisors' response to and review of Categorical and Non-Categorical Use of Force incidents, review of arrest, booking, and charging decisions and review of requests for warrants and affidavits to support warrant applications; and (d) managers' and supervisors' performance in preventing retaliation. The plan shall include provisions to add factors described in subparts (a)-(d), above, to employees' job descriptions, where applicable."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2003

Current Compliance Status: In-Progress/Paragraph 8 & 184.

Policy/Procedure: Pending Meet and Confer

Activities:

Paragraph 54 has been identified as a meet and confer item (see paragraphs 8 and 184). Research and development of a plan for revising the LAPD Employee Evaluation Guide, personnel performance evaluations, and related forms have been initiated.

To assist with the meet and confer process and to facilitate implementation of paragraph 54 should it turn out to be the result of the meet and confer process, the LAPD Human Resources

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Bureau has developed draft revised Personnel Evaluation Forms for the ranks of Captain and above and Lieutenant and below. The draft forms included rating categories specific to various Consent Decree mandates (also see paragraphs 62, 70(c), 98, and 108 (i)). The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

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

A *Use of Force*

Decree ¶55

Decree Language:

"55. Within six months of the effective date of this Agreement, all Categorical Use of Force administrative investigations, including those formerly conducted by the Robbery Homicide Division ("RHD") or the Detectives Headquarters Division ("DHD"), shall be conducted by a unit assigned to the Operations Headquarters Bureau ("OHB"), which unit (the "OHB Unit") shall report directly to the commanding officer of OHB.

a. Investigators in this unit shall be detectives, sergeants, or other officers with supervisory rank.

b. In the organizational structure of the LAPD, the commanding officer of OHB shall not have direct line supervision for the LAPD's geographic bureaus; provided, however, that such commanding officer may continue to serve on the Operations Committee (or any successor thereto), issue orders applicable to the LAPD (including the geographic bureaus), assume staff responsibilities, as defined in the LAPD manual, and undertake special assignments as determined by the Chief of Police.

c. Investigators in this unit shall be trained in conducting administrative investigations as specified in paragraph 80."

PROGRESS/STATUS SUMMARY

Due Date: December 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: The Critical Incident Investigation Division (CIID) was established in the Operation Headquarters Bureau (OHB) and became operational on April 8, 2001; Special Order 39 -

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"Critical Incident Investigation Division - Established," approved by the Police Commission, December 11, 2001; Human Resources Bureau Notice - *"Administrative Investigation Training,"* approved by the Commission October 9, 2001;

Activities:

The CIID became operational and has rolled out on a 24-hour basis to and investigated all Categorical Uses of Force incidents since April 8, 2001. CIID is organized under OHB and reports directly to the Commanding Officer of OHB. Special Order 39 formally establishing CIID and detailing its responsibilities was published on December 7, 2001. With the current restructuring of LAPD, the designation of the existing OHB may be modified. However, the internal LAPD structure will remain consistent with the requirements of paragraph 55.

All CIID investigators hold the rank of Detective-II, Sergeant, or above. Existing staff transferred from RHD and DHD and newly hired CIID staff were reviewed consistent with the misconduct categories outlined in paragraph 51(d). The TEAMS I records and subsequently IAG Form 1.80's were reviewed for staff newly assigned to CIID. TEAMS 1.5, designed to provide greater access to TEAMS I information making it easier for supervisors to review employee TEAMS I records as appropriate, is now operational in all 18 geographical Areas (see paragraph 39).

<u>Training</u>

Department supervisor schools contain training on conducting administrative investigations (see also paragraph 80). CIID investigators have received this training either through Department schools or in Divisional Training conducted in 2001.

CIID developed an additional training element, referred to "Assimilation Training," specific to CIID staff.

<u>Audits</u>

On April 12, 2002, Categorical Use of Force Process Audit for the 4th quarter 2001, conducted pursuant to Paragraph 128, was completed. The audit contained a review of Paragraph 55(a) and (b) mandates and found compliance.

Categorical Use of Force investigations are scheduled to be audited in the fourth quarter of FY 02-03 (April-June).

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The Independent Monitor's review of paragraph 55 in July- Sept. 2002 found compliance. The Independent Monitor is currently anticipated to review paragraph 55 compliance in March 2003.

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Decree ¶56

Decree Language:

"56. The OHB Unit shall have the capability to "roll out" to all Categorical Use of Force incidents 24 hours a day. The Department shall require immediate notification to the Chief of Police, the OHB Unit, the Commission and the Inspector General by the LAPD whenever there is a Categorical Use of Force. Upon receiving each such notification, an OHB Unit investigator shall promptly respond to the scene of each Categorical Use of Force and commence his or her investigation. The senior OHB Unit manager present shall have overall command of the crime scene and investigation at the scene where multiple units are present to investigate a Categorical Use of Force incident; provided, however, that this shall not prevent the Chief of Police, the Chief of Staff, the Department Commander or the Chief's Duty Officer from assuming command from a junior OHB supervisor or manager when there is a specific need to do so."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001/December 15, 2001

Primary Compliance Status: Partial Compliance

Policy/Procedure: March 6, 2001, Commission Motion regarding Use of Force; The Critical Incident Investigation Division (CIID) was established in the Operation Headquarters Bureau (OHB) and became operational on April 8, 2001; Human Resources Bureau Notice, July 30, 2001 - *"Categorical and Non-Categorical Use of Force Classifications and Investigative Responsibility"* published July 30, 2001, pursuant to March 6, 2001 Police Commission Motion; Special Order 39 - *"Critical Incident Investigation Division - Established"* approved by the Police Commission December 11, 2001

Activities:

The Critical Incident Investigation Division (CIID) became operational and has rolled out on a 24-hour basis to Categorical Uses of Force incidents since April 8, 2001.

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The Department Command Post is responsible for notifying appropriate entities regarding Categorical Use of Force incidents. During the period of July-December 2002, 53 Categorical Use of Force incidents occurred. Review of notification logs maintained by the Department Command Post indicates that LAPD complied with the notification mandates of Paragraph 56 in all but four incidents. Three incidents involved LERIIs which were not reported to the Department Command Post. CIID identified these incidents in their daily audit process. In the fourth incident, a head strike with an impact weapon, CIID was directly notified and an investigation was commenced without notification to the Department Command Post. This created a 10-hour delay in notifying the Office of the Inspector General (OIG). The CIID audit process is to be commended, as it ensures discrepancies in reporting are timely identified and remedied. However, additional action is needed to ensure full compliance with paragraph 56.

Although not required by the Consent Decree, the OIG maintains a separate Categorical Use of Force notification and response log. The OIG was notified of all Categorical Uses of Force incidents that occurred during the July-December 2002 period.

CIID investigators respond promptly to Categorical Use of Force incidents. Although, not a Consent Decree requirement, a system to capture arrival times and other elements was initiated by CIID on May 21, 2002. This new process captures the time of notification, the time of the investigator's arrival at scene, the identity of the Officer in Charge, the specific division conducting the related suspect criminal investigation, the identity of the responding DA's deputy, and the identity of the responding Inspector General's agent. Collection of CIID response time at the scene was initiated in September 2002. This information is documented in the Department 24-hour Occurrence Log.

The average time for the Department Command Post to receive notification of a Categorical Use of Force Incident was 109.7 minutes. The average time for the Department Command Post to complete all required notifications is 91.4 minutes. The average response time to the scene of CIID from the time of notification was 63.9 minutes for September -December 2002.

During the period of July-Dec. 2002 there were no cases in which a staff officer assumed command of a Categorical Use of Force scene.

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Training

See paragraph 55.

Audit

On April 12, 2002 Categorical Use of Force Process Audit for the 4th quarter 2001, conducted pursuant to Paragraph 128, found compliance with the requirements of paragraph 56, other than documentation of Chief of Police notification. The documentation deficiency identified has been remedied.

The Inspector General conducts periodic audits to verity notification of all Categorical Use of Force incidents. Such audits have found continued compliance.

Categorical Use of Force investigations are scheduled to be audited in the fourth quarter of FY 02-03 (April-June).

The Independent monitor's review of paragraph 56 in April-June 2002 found compliance. The Independent Monitor is in the process of reviewing paragraph 56 compliance. Results of the review are anticipated in the Independent Monitor's February 15, 2003 report.

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Decree ¶57

Decree Language:

"57. In addition to administrative investigations and where the facts so warrant, the LAPD shall also conduct a separate criminal investigation of Categorical Uses of Force. The criminal investigation shall not be conducted by the OHB Unit."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/794.25 and 3/794.32; Special Order 39 - *"Critical Incident Investigation Division - Established,"* approved by the Police Commission. December 11, 2001; Special Order 15 - *"Revision to Special Order No. 39, CIID Investigations,"* approved by Police Commission, May 7, 2002; Office of the Chief of Police Notice, *"Department Criminal Filing Review Procedures for Employees Accused of Prima Fascia Misconduct,"* approved by Chief of Police October 25, 2000.

Activities:

CIID does not conduct any criminal investigations. If the facts so warrant, IAG conducts a separate criminal investigation of the Categorical Use of Force. In the event a CIID investigation identifies evidence which is potentially criminal in nature, CIID promptly refers the investigation to the Internal Affairs Group. During the period of July-December 2002, five Categorical Use of Force investigations were referred to Internal Affairs Group for criminal investigation. LAPD records indicate that the Inspector General's Office was notified in all five instances.

See paragraph 101 regarding referrals to the District Attorney and City Attorney's Office.

Training

See paragraph 55.

Audit

On April 12, 2002, Categorical Use of Force Process Audit for the 4th quarter of 2001, conducted pursuant to Paragraph 128, found compliance with the provisions of paragraph 57.

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Categorical Use of Force investigations are scheduled to be audited in the fourth quarter of FY 02-03 (April-June).

The Independent Monitor's review of paragraph 57 in July-Sept. 2002 found compliance. The Independent Monitor is anticipated to review paragraph 57 compliance again in March 2003.

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Decree ¶58

Decree Language:

"58. The LAPD shall continue its policy of notifying the County of Los Angeles District Attorney's Office whenever an LAPD officer, on or off-duty, shoots and injures any person during the scope and course of employment. In addition, the LAPD shall notify the District Attorney's Office whenever an individual dies while in the custody or control of an LAPD officer or the LAPD, and a use of force by a peace officer may be a proximate cause of the death."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance.

Policy/Procedure: Special Order 39 - *Critical Incident Investigation Division - Established"* approved by the Police Commission, December 11, 2001; Protocol with the Los Angeles County District Attorney's Office; District Attorney *"Protocol for District Attorney Officer-Involved Shooting Response Program."*

Activities:

The Protocol for District Attorney Officer-Involved Shooting Response Program requires that the Department Command Post notify the District Attorney's Office consistent with paragraph 58 requirements. The LAPD notifies the District Attorney of all officer involved shootings where a person is injured and when an individual dies while in the custody or control of an LAPD officer or the LAPD, and a use of force by a peace officer may be a proximate cause of the death. Upon arrival at the scene, the assigned District Attorney staff members are added to the incident log maintained at the scene.

During the period of July-December 2002, 29 Categorical Use of Force incidents required a notification to the Office of the District Attorney. LAPD records indicate that appropriate notification was made in 28 of the 29 cases. In the remaining case, the CIID investigators initially

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concluded that the Officer Involved Shooting was a non-hit situation. The District Attorney was notified the following day when the investigation revealed that a hit had occurred.

In April 2002, the Department exchanged correspondence with the District Attorney's Office regarding the level of cooperation that CIID investigators provided to District Attorney personnel at scene. In replying to that correspondence, the District Attorney indicated he was pleased by the level of cooperation afforded by the CIID.

Training

See paragraph 55.

Audits

On April 12, 2002, Categorical Use of Force Process Audit for the 4th quarter of 2001, conducted pursuant to Paragraph 128, found compliance with the provisions of paragraph 58.

The CIID conducts internal audits regarding various Categorical Use of Force procedures.

Categorical Use of Force investigations are scheduled to be audited in the fourth quarter of FY 02-03 (April-June).

The Independent Monitor's review of paragraph 58 in July-Sept. 2002 found compliance. The Independent Monitor is anticipated to review paragraph 58 compliance again in March 2003.

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Decree ¶59

Decree Language:

"59. The LAPD shall continue to provide cooperation to the District Attorney's Office personnel who arrive on the scene of the incident."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance.

Policy/Procedure: Special Order 39 - *Critical Incident Investigation Division - Established"* approved by the Police Commission, December 11, 2001; Protocol with the Los Angeles County District Attorney's Office; District Attorney *"Protocol for District Attorney Officer-Involved Shooting Response Program."*

Activities:

In April 2002, the Audit Division and CIID separately contacted the Los Angeles County District Attorney's Office (LACDA) requesting input on the level of cooperation provided to DA investigators at these scenes. The response to both LAPD organizations from LACDA was generally positive and commended the working relationship that had been forged between the agencies. LACDA did identify two cases in which District Attorney personnel were not initially afforded information about the underlying criminal investigation of the suspects. A review of the two incidents determined that, in both cases, it was the LAPD criminal investigative entity involved (not CIID) who failed to provide the requested information. The access issues were resolved by the Commanding Officer CIID at the scene of the incidents. Procedures were established for District Attorney personnel to liaise directly with the senior CIID investigator at the scene, to avoid similar issues in the future.

This has been the practice over the past 6 month period, and CIID reports it is working well.

Training

CIID provides training to those individuals who manage Categorical Use of Force scenes that include the components of Paragraph 59.

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Audit

On April 12, 2002, Categorical Use of Force Process Audit for the 4th quarter of 2001, conducted pursuant to Paragraph 128, was completed. The audit found compliance with the provisions of paragraph 59.

Categorical Use of Force investigations are scheduled to be audited in the forth quarter of FY 02-03 (April-June).

The Independent Monitor's review of paragraph 59 in April-June 2002 found compliance. The Independent Monitor is anticipated to report on paragraph 59 compliance again in the February 15, 2003 report.

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Decree ¶60

Decree Language:

"60. The Department shall renew its request to the appropriate bargaining unit(s) for a provision in its collective bargaining agreements that when more than one officer fires his or her weapon in a single OIS incident, then each officer should be represented by a different attorney during the investigation and subsequent proceedings. The foregoing acknowledges that each officer retains the right to be represented by an attorney of his or her choice."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: July 24, 2001, a letter from the City Attorney's Office to the Los Angeles Police Protective League; Additional policies/procedures pending meet and confer

Activities:

On July 24, 2001, a letter from the City Attorney's Office to the Los Angeles Police Protective League was sent renewing the City's request that when more than one officer fires his or her weapon in a single OIS incident, then each officer should be represented by a different attorney during the investigation and subsequent proceedings. The issue of including a provision in the collective bargaining agreement that when more than one officer fires his or her weapon in a single OIS incident, then each officer should be represented by a different attorney during the investigation and subsequent proceedings has been included on the list of items being discussed as part of the meet and confer process.

Audit

No auditing activities will be undertaken unless and until the policies and procedures are established through the meet and confer process.

The Independent Monitor's review in April-June 2002 found compliance. The timing of future Independent Monitor evaluations are to be determined.

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Decree ¶61

Decree Language:

"61. All involved officers and witness officers shall be separated immediately after an OIS, and shall remain separated until all such officers have given statements or, in the case of involved officers, declined to give a statement; provided, however, that nothing in this Agreement prevents the Department from compelling a statement or requires the Department to compel a statement in the event that the officer has declined to give a statement. In such a case, all officers shall remain separated until such compelled statement has been given."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: Officer Involved Shootings Manual published in April 1995; Special Order 39 - *"Critical Incident Investigation Division - Established"* approved by the Police Commission December 11, 2001

Activities:

Separation of involved and witness officers at an Officer Involved Shooting incident has been LAPD practice for several years and is outlined in the Officer Involved Shootings Manual published in April 1995. This practice was re-affirmed in Special Order 39, published December 7, 2001. Watch Commanders are tasked with the responsibility of ensuring the involved officers remain separated after an Officer Involved Shooting (OIS). Separation is documented in the Watch Commander log. CIID maintains a file copy of the Watch Commander log in the CIID case package to facilitate audits on compliance with this provision.

During the period of July 1 to December 31, 2002, 45 Categorical Use of Force cases, 31 of which were OIS, were reviewed by the Use of Force Review Board. Involved and witness officers were separated. However, in six cases the officers were admonished not to speak with one another while transported to the station in the same vehicle. In two instances the officers were monitored to

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ensure that no discussion or exchanges occurred while seated in the same room at the station. Although separation of officers via supervisory monitoring may be necessary in instances involving particularly numerous involved officers and officer witnesses, in the cases discussed above reasonable opportunities and resources appeared to have existed to accomplish the ideal physical separation of officers.

The LAPD is in the process of drafting an Order to provide a greater level of direction and clarification to Watch Commanders and supervisors regarding appropriate separation of officers. There will continue to be a tension between the ability to achieve the ideal physical separation of all officers involved in OIS incidents and the practical need in some instances to separate officers via LAPD supervisory monitoring to ensure that no discussions or exchanges occur while officers are transported and housed together, based upon the number of involved officers and witness officers in the incident, and based on the available LAPD resources to transport and hold officers pending questioning. The Use of Force Review Board and the Inspector General will therefore continue to diligently monitor this issue to ensure that officers involved in OIS incidents are separated as appropriate, consistent with the requirements of paragraph 61.

The Independent Monitor's November 15, 2002, Report expressed concern that the practice of obtaining a public safety statement from the involved officers was not a codified procedure. Public safety statements involve obtaining timely information from officers at the scene of an officer involved shooting incident in order to immediately secure the area, prevent any further injury, and ensure all potential injured parties are identified. This is essential to public safety and has been the longstanding practice of the LAPD. The LAPD is in the process of drafting an Order codifying the public safety statement procedures. CIID is working to establish a method of documenting public safety statement procedures in the CIID investigative process.

Audit

Categorical Use of Force investigations are scheduled to be audited in the fourth quarter of FY 02-03 (March-June).

The Independent Monitor's review of paragraph 61 in July- Sept. 2002 found compliance. The Independent Monitor is anticipated to review paragraph 61 compliance again in March 2003.

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Officer separation concerns were identified by CIID in its ongoing reviews of Categorical Uses of Force and by the Independent Monitor during review of paragraph 61 compliance.

Training

Training on Paragraph 61 mandates is included in the Basic Supervisor School and the Detective Supervisor School.

During the period of March through May 2002, the Commanding Officer, CIID, provided training to Area Captains during Bureau meetings. That presentation included the specifics of Paragraph 61 and the documentation required to indicate compliance.

Training on the proposed new Orders will be provided upon publication of those Orders, as appropriate.

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Decree ¶62

Decree Language:

"62. Managers shall analyze the circumstances surrounding the presence or absence of a supervisor at (a) a Categorical Use of Force incident, and (b) the service of a search warrant. In each case, such analysis shall occur within one week of the occurrence of the incident or service to determine if the supervisor's response to the incident or service was appropriate. Such supervisory conduct shall be taken into account in each supervisor's annual personnel performance evaluation."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Primary Compliance Status: Partial Compliance/Paragraph 8 & 184.

Policy/Procedure: Commission Motion regarding Categorical Use of Force, March 6, 2001, implementing HRB Notice, *"Categorical Use of Force Classifications and Investigative Responsibility,"* distributed July 30, 2001; HRB Notice, *"Commanding Officer Review of Categorical Use of Force,"* approved by the Commission October 11, 2001; Special Order 39, *"Critical Incident Investigation Division - Established,"* approved by the Police Commission , December 11, 2001; Special Order 25, 2001, *"Search Warrant and Probable Cause Arrest Warrant Procedures,"* approved by the Police Commission, September 18, 2001; Chief of Police Notice, distributed October 9, 2002, approved by the Police Commission October 15, 2002; paragraphs 8 and 184.

Activities:

The City experienced some difficulty in complying with the requirement to evaluate the presence or absence of a supervisor at Categorical Use of Force incidents within 7-days, as reported on August 1, 2002. Compliance has improved over the past six month period, although some deficiencies persist. LAPD indicates that for the period of July-December 2002 manager analysis of supervisor response to Categorical Use of Force incidents has taken place in 40 of 45 Categorical

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Use of Force cases reviewed by the Use of Force Review Board for a current compliance rate of 89%.

The Commanding Officer, CIID, sends notices to the involved commands the day following the incident, advising commanding officers of their responsibilities to conduct the analysis and document the review. CIID also sends "reminder" notices to appropriate supervisors upon notification of a Categorical Use of Force incident and monitors compliance with this provision on a real time basis. The LAPD Consent Decree Task Force receives monthly reports from CIID on compliance with this provision and immediately forwards information on deficiencies to the respective Bureau commanding officer for action.

The City continues to experience difficulty in complying with the requirement to evaluate the presence or absence of a supervisor at the execution of a search warrant. Reviews associated with service of a search warrant cannot be as easily monitored as those associated with Categorical Uses of Force. Current search warrant procedures require review after execution of such warrants. It is anticipated that such reviews would include the required analysis of the circumstances surrounding the presence or absence of a supervisor. The 7-day presence/absence review is not being consistently documented as required by paragraph 62, although current information suggests that supervisors are present at the execution of search warrants (see paragraph 71).

The LAPD Consent Decree Task Force conducted ad hoc inspections in July 2002, and identified substantial deficiencies in the documentation of required reviews (see also paragraphs 71 and 72). Although the July 8, 2002, Audit Division audit of search warrant applications and supporting affidavits did not specifically review compliance with paragraph 62(b), it did find that only 75% of the search warrant packages included written debriefing/after action reports, with only 28% of those that contained such reviews including signatures of the Commanding Officer indicating review (see also paragraph 71).

The Independent Monitor's July-September 2002 review indicated a 12.5% compliance rate with the provisions of paragraph 62(b) and identified inconsistencies in the type and level of documentation in those instances where appropriate reviews had been completed.

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A draft revision to Special Order 25, 2001, was completed in November 2002 and is currently under internal LAPD review. It is anticipated that the revision will be published in spring 2003. Additionally, the publication of the revised Search Warrant Manual is planned. This Manual is anticipated to be published within approximately 60-days of the approval of the revised Special Order regarding search warrant procedures. An interim Chief of Police Notice on the matter was published on October 9, 2002 directing commanding officers to adhere to the provisions of Special Order 25, 2001 until the revisions are finalized.

The provision regarding consideration of supervisory conduct in each supervisor's annual personnel performance evaluation has been identified as a meet and confer item (see paragraphs 8 and 184). A review of the LAPD Employee Evaluation Guide has been initiated and will consider the supervisor evaluation provision of paragraph 62 (see paragraph 54).

Training

Directed training efforts have been undertaken by CIID and Consent Decree Task Force. Commands involved with Categorical Use of Force incidents receive direct communication from CIID the day after a Categorical Use of Force incident occurs, with follow-up correspondence for regarding non-compliance being provided.

A Search Warrant Manual is planned.

Audits

On April 12, 2002, a Categorical Use of Force Process Audit for the 4th quarter of 2001, conducted pursuant to Paragraph 128, was completed. The audit identified compliance issues. Revised procedures have been and additional revisions are planned to be implemented, and therefore deficiencies are in the process of being remedied.

Categorical Use of Force investigations are scheduled to be audited in the fourth quarter of FY 02-03 (April-June).

A July 8, 2002, search warrant applications and supporting affidavits audit, completed pursuant to paragraph 128, found substantial deficiencies with regard to paragraph 71(c) (see paragraph 71).

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The Independent Monitor's review in July- Sept. 2002 found non-compliance with the provisions of paragraph 62, with the compliance level for search warrants being substantially lower than for Categorical Use of Force reviews. The Independent Monitor is anticipated to review paragraph 62 compliance again in March 2003.

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Decree ¶63

Decree Language:

"63. The Department shall continue its practice of referring all officers involved in a Categorical Use of Force resulting in death or the substantial possibility of death (whether on or off duty) to BSS for a psychological evaluation by a licensed mental health professional. The matters discussed in such evaluation shall be strictly confidential and shall not be communicated to other LAPD officers without the consent of the officer evaluated. No such officer shall return to field duty until his or her manager determines that the officer should be returned to field duty upon consultation with BSS."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Sections 3/799.10 and 4/245.15; Special Order 39, *"Critical Incident Investigation Division - Established,"* approved by the Commission December 11, 2001; Special Order 15, *"Revision to Special Order No. 39, CIID Investigations,"* approved by Police Commission, May 7, 2002

Activities:

The April 12, 2002, Categorical Use of Force Process Audit for the 4th quarter of 2001 identified some compliance issues associated with BSS referral requirements. These deficiencies have been remedied over the past six month period.

Special Order 15 was issued on April 10, 2002, to address the conflicting directives regarding the BSS referral procedure and to clearly fix responsibilities with Bureau Commanding Officers for referring officers to BSS in compliance with the established procedures. The Chief of Police met with Commanding Officers and discussed this important requirement on June 11, 2002.

During the period of July-December 2002, 46 officers required referrals to BSS, pursuant to Paragraph 63. LAPD records indicate that all 46 officers participated in the mandatory referrals.

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None of the officers worked in the field prior to their consultation with BSS. BSS referrals and consultations with BSS by commanding officers were appropriately documented.

Finally, although not a requirement of the Consent Decree, the April 12, 2002, CUOF Process audit also disclosed unacceptable delays in BSS seeing involved officers. Over the past six month period this has been largely remedied, with most officers visiting BSS within 1 to 4 days.

The Independent Monitor recommended that the LAPD re-examine the definition of "field duty" as it applied to detective personnel. The LAPD is reviewing this issue and anticipates reporting to the Board of Police Commissioners in the near future.

Audit

On April 12, 2002, a Categorical Use of Force Process Audit for the 4th quarter of 2001, conducted pursuant to Paragraph 128, was completed. The audit identified paragraph 63 compliance issues. Revised procedures have been implemented.

Consent Decree Task Force ad hoc review of BSS referrals and associated documentation.

The Independent Monitor's review in April-June 2002 found non-compliance with the provisions of paragraph 63. The Independent Monitor is anticipated to report on paragraph 63 compliance in the February 15, 2003 report.

Training

June 11, 2002, "All Commanding Officers" meeting included discussion of BSS referral requirements.

During the period of March through May 2002, the Commanding Officer, CIID, provided training to Area Captains during Bureau meetings. That presentation included the specifics of Paragraph 63 and the documentation required to indicate compliance.

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Decree ¶64

Decree Language:

"64. Except as limited or prohibited by applicable state law, when a manager reviews and makes recommendations regarding discipline or non-disciplinary action as a result of a Categorical Use of Force, the manager will consider the officer's work history, including information contained in the TEAMS II system, and that officer's Categorical Use of Force history, including a review of the tactics the officer has used in past uses of force."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001/Post TEAMS II

Current Compliance Status: Compliance/In-Progress

Policy/Procedure: Manager's Guide to Discipline published January 2000; Human Resources Bureau Notice, *"Commanding Officer Review of Categorical Use of Force,"* approved by the Commission October 9, 2001; Special Order 39, *"Critical Incident Investigation Division – Established,"* approved by the Police Commission, December 11, 2001; Use of Force Review Board Procedure Modification; RMIS Development Activities.

Activities:

The HRB Notice "Commanding Officer Review of Categorical Use of Force," distributed August 10, 2001, codified the requirement to consider previous tactics when reviewing Categorical Uses of Force. The consideration of work history when making recommendations regarding discipline or non-disciplinary action, including Categorical Use of Force incidents, is current LAPD practice and is outlined in the Manager's Guide to Discipline.

Due to the limited available sampling of closed Categorical Use of Force cases since June 15, 2002, paragraph 64 was not included in the April 2002 Categorical Use of Force Process Audit. However, in creating the preliminary methodology for that audit, it was determined that a standard format for Commanding Officers to document the reviews required by paragraph 64 did not exist.

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The Use of Force Review Board adopted new procedures to ensure that involved officer work histories are appropriately considered and documented in notes recorded during the Use of Force Review Board proceedings. This process became effective September 30, 2002, and all subsequent use of force cases document this review. The LAPD has also prepared a reminder notice, which accompanies all use of force investigations which result in an "out of policy" determination by the Board of Police Commissioners, and which are then adjudicated via the misconduct complaint process. This Notice reminds managers to review and document their consideration of the officer's work and Categorical Use of Force history when adjudicating the matter.

During the period of July - October 2002, thirty-three Categorical Use of Force investigations were reviewed by the Use of Force Review Board. Department records reflect that the Use of Force Board appropriately considered the work histories in thirty-two cases. Although the Board may have considered the work history in every instance, twenty-seven of the cases pre-date the implementation of the Independent Monitor's recommended measurement standard.

The Independent Monitor's review in July-Sept. 2002 found non-compliance with the requirement to review work history for investigations involving non-disciplinary action, compliance for review of Categorical Use of Force history for investigations involving non-disciplinary action, and compliance for review of work and Categorical Use of Force history for investigations resulting in disciplinary action. The finding of non-compliance for review of work histories in non-disciplinary cases is thought to be largely due to documentation deficiencies. These deficiencies have been remedied by the new Use of Force Review Board documentation procedures, implemented September 30, 2002.

The RMIS and its protocol for use are under development and will include the provisions of paragraph 64 (see paragraph 47).

Training

The LAPD Use of Force Review Section was informed of the change in policy regarding documentation of consideration of work and Categorical Use of Force histories in investigations before the Use of Force Review Board. In addition, staff was informed of the new procedure

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requiring a reminder notice if the investigation results in an out-of-policy finding and forwarding to Internal Affairs Group for processing.

Audit

Categorical Use of Force investigations are scheduled to be audited in the fourth quarter of FY 02-03 (April-June).

The Independent Monitor's review in July-Sept. 2002 found non-compliance with the requirement to review work history for investigations involving non-disciplinary action; compliance for review of Categorical Use of Force history for investigations involving non-disciplinary action; and compliance for review of work and Categorical Use of Force history for investigations resulting in disciplinary action. The Independent Monitor is anticipated to review paragraph 64 compliance again in March 2003.

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Decree ¶65

Decree Language:

"65. The Department shall continue to require officers to report to the LAPD without delay the officer's own use of force (on the use of force form as revised pursuant to paragraph 66)."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 4/245.10; Special Order 27 , *"Investigation and Adjudicating Non-Categorical Use of Force Incidents,"* approved by the Police Commission , September 25, 2001; Special Order 18, *" Revisions to Special Order No. 27, 2001 - Investigating and adjudicating Non-Categorical Use of Force Incidents,"* approved by the Police Commission, May 7, 2002

Activities:

The provisions of paragraph 65 are current practice. In the 2002 calendar year the LAPD had 1,890 non-categorical use of force incidents.

Monitoring compliance with this provision is problematic, as it is generally difficult to prove a negative. Unauthorized Use of Force Integrity Audits, conducted pursuant to paragraph 97, indicate that uses of force were appropriately reported.

The Non-Categorical Use of Force Form was revised consistent with the requirements of paragraph 66 on September 1, 2001 (see paragraph 66).

Independent Monitor's review in April-June 2002 found non-compliance with the provisions of paragraph 65. The non-compliance finding was based upon identification of five non-categorical uses of force reports that were initiated is response to misconduct complaints, indicating that the use of force was not reported. All five incidents were prior to implementation of the Consent Decree (January 2000, September 2000, December 2000, February 2001, March 2001). Two incidents involved minor uses of force, including a "firm grip" (which under normal circumstances is not

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considered a reportable use of force) and pushing. The complaints against the officers acknowledge the deficiency and training was provided. In one incident, based upon partial information, a supervisor inappropriately determined that a use of force report was not required. The allegation of failure to report a use of force was added to the complaint against the supervisor. In the other two cases, officers failed to report uses of force. The failure to report was added to the allegations of the complaint and the complaints appropriately adjudicated. As required by the Consent Decree, the LAPD has appropriate policies in place and procedures to discipline employees who fail to follow procedures. These procedures are being appropriately utilized by LAPD and have been enhanced pursuant to various provisions of the Consent Decree.

Audit

Integrity Audits - see paragraphs 97.

The Independent Monitor's review in April-June 2002 found non-compliance with the provisions of paragraph 65. The Independent Monitor is anticipated to review paragraph 65 compliance again in March 2003.

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Decree ¶66

Decree Language:

"66. The LAPD shall modify its current use of force report form to include data fields that require officers to identify with specificity the type of force used for the physical force category, to record the body area impacted by such physical use of force, to identify fractures and dislocations as a type of injury, and to include beanbag shot gun as a type of force category."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Compliance Action: Special Order 27, "*Investigating Non-Categorical Use of Force Incidents,*" approved by the Police Commission September 25, 2001; Special Order 18, "*Revisions to Special Order No. 27, 2001 - Investigating and adjudicating Non-Categorical Use of Force Incidents,*" approved by the Police Commission, May 7, 2002

Activities:

The revised Non-Categorical Use of Force form was released in Special Order 27, which was distributed September 17, 2001. The report contains the data required by Paragraph 66.

The use of force reporting procedure was refined by Special Order 18, distributed April 23, 2002. The revisions enhance the manner in which information is presented on the use of force form and streamline the reporting mandates to expedite the investigative/review process (also see paragraph 69). Additional refinements to the use of force reporting procedure are anticipated over the duration of the Consent Decree. Any such refinements will comport with the requirements of paragraph 66.

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Training

Training on use of force reporting requirements is contained in all eight core Department Schools and in several update classes such as the Continuing Education Delivery Plan Modules (see also paragraph 117).

Roll-Call training was provided on the new Use of Force Report Form when it was released for use.

Audit

Audit Division is anticipated to complete a non-categorical use of force audit in the third quarter (Jan.-March) of FY 02-03, pursuant to paragraphs 128 and 129.

The Independent Monitor's review in April-June 2002 found compliance with the provisions of paragraph 66. The next Independent Monitor review paragraph 66 compliance is to be determined in the future.

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Decree ¶67

Decree Language:

"67. The Commission shall continue its practice of reviewing all Categorical Uses of Force including all the reports prepared by the Chief of Police regarding such incidents and related investigation files. These reports shall be provided to the Police Commission at least 60 days before the running of any statute of limitations that would restrict the imposition of discipline related to such Categorical Use of Force. Provided, however, if the investigation file has not been completed by this time, the LAPD shall provide the Commission with a copy of the underlying file, including all evidence gathered, with a status report of the investigation that includes an explanation of why the investigation has not been completed, a description of the investigative steps still to be completed, and a schedule for the completion of the investigation. The Commission shall review whether any administrative investigation was unduly delayed due to a related criminal investigation, and, if so, shall assess the reasons therefore."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: March 6, 2001, Commission Motion regarding Categorical Use of Force implementing Human Resources Bureau Notice, *"Categorical Use of Force Classifications and Investigative Responsibility"*; Special Order 39 – *"Critical Incident Investigation Division – Established,"* approved by the Police Commission, December 11, 2001; Use of Force Review Section Staff Report on Categorical Use of Force Reports , June 15, 2001, approved by the Police Commission, February 26, 2002.

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Activities:

The Use of Force Review Section implemented a computer tracking system to monitor the statute of limitations dates and the 60-day notice period established in paragraph 67. The computer program became operational in August, 2001.

At its February 26, 2002, meeting the Police Commission approved modifications to the existing Commission policy concerning the timeline for submission of Categorical Use of Force Reports to reflect that the reports shall be provided to the Commission at least 90-days prior to the running of the statute of limitations. This is more restrictive than the Consent Decree requirement. If LAPD fails to submit such a report, the Inspector General will notify the Police Commission, ensuring a back-up monitoring of this very important requirement. In addition, although not required by the Consent Decree, the Inspector General has implemented an informal procedure to notify the Police Commission 30-days prior to the running of the statute of limitations.

During the period of July 1 through December 31, 2002, 61 Categorical Use of Force cases were submitted to the Police Commission. All cases were submitted 60 days prior to the statute of limitations date as required by paragraph 67. On average, cases were submitted to the Commission by LAPD more than 166 days prior to the running of the statute. The Inspector General reviewed Categorical Use of Force investigations and provided information to the Commission as appropriate. The Categorical Use of Force incidents were appropriately agendized by the Commission and were acted upon well within the statue of limitations period.

<u>Audit</u>

On-going LAPD reviews of statue of limitations periods for Categorical Uses of Force.

Inspector General on-going tracking of 60-day LAPD report requirement and statute of limitations periods for Categorical Uses of Force.

The Independent Monitor's review in July-Sept. 2002 found 100% compliance with the provisions of paragraph 67. The next Independent Monitor review of paragraph 65 compliance is anticipated in March 2003.

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Decree ¶68

Decree Language:

"68. The LAPD shall continue to require that all uses of force that are not Categorical Uses of Force ("Non-Categorical Uses of Force") be reported to a supervisor who shall conduct a timely supervisory investigation of the incident, as required under LAPD policy and paragraphs 69 and 81, including collecting and analyzing relevant documents and witness interviews, and completing a use of force report form."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: Manual Sections 4/245.10; March 6, 2001, Commission Motion regarding Categorical Use of Force; implementing Human Resources Bureau Notice, *"Categorical Use of Force Classifications and Investigative Responsibility"* published July 30, 2001; Special Order 27, *"Investigating Non-Categorical Use of Force Incidents,"* approved by the Commission September 25, 2001; Special Order 18, *"Revisions to Special Order No. 27, 2001 - Investigating and adjudicating Non-Categorical Use of Force Incidents,"* approved by the Police Commission, May 7, 2002; HRB Notice, "Digital Cameras for Nan-Categorical Use of Force Investigations," published October 25, 2002, approved by the Police Commission November 5, 2002.

Activities:

Special Order 27, which re-affirms existing LAPD Manual Section 4/245.10 requirements, was published September 17, 2001.

Although not required by the Consent Decree, LAPD revised non-categorical use of force review procedures to require review of all such incidents by the Risk Management Group. This ensures consistency of review, and provides for overall review of policies and procedures in consideration of incidents department-wide. In addition, such consistent review provides for

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additional quality control assurance for non-categorical investigations. Non-categorical use of force reviewers indicated that investigations continue to improve.

The Commanding Officer of the Risk Management Group has returned investigations for additional action for various purposes, including but not limited to statements not being attached, lack of documentation for reason no photographs were taken, and absence of appropriate signatures on the Internal Investigative Reports. In addition, the Commanding Officer of Risk Management Group has consulted with all LAPD Divisions to discuss the most common errors and/or deficiencies, the new procedures, and to seek input regarding enhancements to the process. Finally, the Risk Management Group created a checklist for most common errors on non-categorical use of force reports for distribution as appropriate.

On August 16, 2002, the Inspector General completed an audit of Non-Categorical Use of Force Reports for the period of September 1, 2001 to November 30, 2001. The audit found significant deficiencies in compliance with the 14-day processing time through the Division level and identified approximately 12% of the reports as having canned language. Other deficiencies were noted, including lack of documentation regarding discrepancies between officer and involved party statements and reasons for finding one more credible than the other, reporting inconsistencies, and documentation of actions taken to identify witnesses.

On August 21, 2002, the Department implemented a revised procedure to expedite manager review of Non-Categorical Use of Force Reports and reconcile the reports to the Use of Force Summary Log. This revision was in full effect by September 2002 and has resulted in an improvement in timeliness of submitting use of force reports (see Paragraph 69).

Further modification to non-categorical use of force investigation procedures are anticipated in spring 2003. Some of the recommended changes will involve the use of digital cameras. Currently all use of force injuries are photographed at the LAPD photo lab. This requires substantial LAPD resources and can increase the period of the investigation. The use of digital cameras to document minor injuries or complained of only injuries could substantially reduce officer time required for use of force investigation processing. To facilitate expeditious implementation of the use of digital cameras once the Order changing procedures is approved, the Police Commission and the City

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Council and Mayor approved funding for the cameras in fall 2002. However, acquisition of the equipment has been impacted by the equipment purchase freeze (see paragraph 11). The Consent Decree Workgroup is aware of this issue.

Reviewers of non-categorical use of force investigations indicate that investigations and documentation continue to improve, but full compliance has not yet been achieved.

Audit

The Inspector General non-categorical use of force investigation audit -- conducted pursuant to paragraph 136, and completed on August 16, 2002, for the period of September 1, 2001 to November 30, 2001 -- identified deficiencies. Remedies have been implemented. Additional revisions to the non-categorical use of force review process are currently being developed.

Audit Division is anticipated to complete a non-categorical use of force audit in the third quarter (Jan.-March) of FY 02-03, pursuant to paragraphs 128 and 129.

The Independent Monitor's review in March 2002 found non-compliance with the provisions of paragraph 68. The next Independent Monitor review of paragraph 68 compliance is anticipated in March 2003.

Training

Check list for most common errors on non-categorical use of force reports distributed.

Watch Commander and Supervisor training (see paragraph 123).

August 21, 2002, Interdepartmental Correspondence from the Commanding Officer Risk Management Group to all Commanding Officers, regarding review of non-categorical use of force investigations within 14-days.

Feedback on and kick-back of specific Use of Force Reports provided by Risk Management Group.

See paragraph 81.

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Decree ¶69

Decree Language:

"69. The Department shall continue to have the Use of Force Review Board review all Categorical Uses of Force. The LAPD shall continue to have Non-Categorical Uses of Force reviewed by chain-of-command managers at the Division and Bureau level. Non-Categorical Use of Force investigations shall be reviewed by Division management within 14 days of the incident, unless a member of the chain-of-command reviewing the investigation detects a deficiency in the investigation, in which case the review shall be completed within a period of time reasonably necessary to correct such deficiency in the investigation or reports."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Partial Compliance

Policies/Procedures: LAPD Manual Section 2/092.50 and 4/245.10; March 6, 2001, Commission Motion regarding Categorical Use of Force; implementing Human Resources Bureau Notice, *"Categorical Use of Force Classifications and Investigative Responsibility"* published July 30, 2001; Special Order 27, *"Investigating Non-Categorical Use of Force Incident,"* approved by Police Commission September 25, 2001; Human Resources Bureau Notice, *"Commanding Officer Review of Use of Force Board - Revised,"* approved by the Police Commission October 9, 2001; Special Order 18, *"Revisions to Special Order No. 27, 2001 - Investigating and adjudicating Non-Categorical Use of Force Incidents,"* approved by the Police Commission, May 7, 2002; Chief of Police Correspondence, *"Review of Department Canine Bite Incidents Requiring Hospitalization ,"* approved by the Police Commission October 9, 2002; Chief of Police Correspondence, *"Review of Department Canine Bite Incidents Requiring Hospitalization,"* approved by Commission February 26, 2002; Chief of Police Correspondence, *"Review of Canine Bites Resulting in Hospitalization - Revised,"* distributed April 8, 2002.

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Activities:

The responsibilities of the Use of Force Review Board are outlined in Manual Section 2/092.50. Categorical Uses of Force are being reviewed by the Use of Force Review Board. As indicated in the definition of Categorical Use of Force (paragraph 13), dog bites that result in hospitalization are not uses of force. Therefore, a review panel for dog bites that result in hospitalization, consistent with the level of review and oversight provided for Categorical Uses of Force other than dog bites, has been established. During the period of July 1 to December 31, 2002, 45 Categorical Use of Force cases were reviewed by the Use of Force Review Board.

As discussed in Paragraph 68, non-categorical use of force investigations and documentation continue to improve, but full compliance has not yet been achieved. This includes review by chain-of-command supervisors.

On August 16, 2002, the Inspector General completed an audit of Non-Categorical Use of Force Reports for the period of September 1, 2001 to November 30, 2001, and found the Department in non-compliance with the 14-day review requirement of Paragraph 69 99% of the time. Special Order 18, revising the procedures for non-categorical use of force investigations, was published April 23, 2002. The revisions to the non-categorical use of force investigative process consolidated the reporting process, established a form to better document investigative dates and reasons for longer duration investigations, and make the 14-day investigative timeframe more directly track the requirements of the Consent Decree (i.e. reviewed by Division level management). Compliance with review through the Division level within the 14-day timeframe has improved over time, with the City now in compliance with this provision of paragraph 69:

<u>2002 Deployment Period – Compliance Rate</u>

#1 (Jan.-Feb.)	38%
#2 (Feb.-March)	48%
#3 (March-April)	49%
#4 (April-May)	59%
#5 (May-June)	59%
#6 (June-June)	74%

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#7 (June-July)	80%
#8 (July-Aug.)	75%
#9 (Aug.-Sept.)	89%
#10 (Sept.-Oct.)	88%
#11 (Oct.-Nov.)	90%
#12 (Nov.-Dec)	98%

Further modification to non-categorical use of force investigation procedures are anticipated in spring 2003 (see also Paragraph 68).

Audit

The Inspector General non-categorical use of force investigation audit conducted pursuant to paragraph 136, was completed on August 16, 2002, for the period of September 1, 2001, to November 30, 2001. It identified a 99% non-compliance rate with the 14-day review period. Remedies have been implemented.

Audit Division is anticipated to complete a non-categorical use of force audit in the third quarter (Jan.-March) of FY 02-03, pursuant to paragraphs 128 and 129.

14-day processing timeline compliance reviews are currently conducted for every Deployment Period.

The Independent Monitor's review in July- Sept. 2002 of Use of Force Review Board review of Categorical Uses of force found compliance. The Independent Monitor's review in March 2002 of non-categorical use of force review found non-compliance. The next Independent Monitor review of paragraph 69 compliance is anticipated in March 2003.

Training

See paragraphs 68 and 81.

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B. *Search and Arrest Procedures*

Decree ¶70

Decree Language:

"70. The Department shall continue to require all booking recommendations be personally reviewed and approved by a watch commander as to appropriateness, legality, and conformance with Department policies. Additionally, the watch commander or designee will personally review and approve supporting arrest reports as to appropriateness, legality and conformance with Department polices in light of the booking recommendation.

a. Such reviews shall continue to entail a review for completeness of the information that is contained on the applicable forms and an authenticity review to include examining the form 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.

b. Supervisors shall evaluate each incident is which a person is charged with interfering with a police officer (California Penal Code § 148), resisting arrest, or assault on an officer to determine whether it raises any issue or concern regarding training, policy, or tactics.

c. The quality of these supervisory reviews shall be taken into account in the supervisor's annual personnel performance evaluations."

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PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Partial Compliance/Paragraphs 8 and 184

Policy/Procedure: Manual Section 4/601 et. al.; Special Order 10, 2000; Special Order 13, "*Booking Approval Procedure-Revised,*" approved by the Police Commission July 10, 2001; Special Order 12, "*Evaluation of Arrests for Booking,*" approved by Police Commission on December 31, 2001; paragraphs 8 and 184.

Activities:

The mandates of paragraph 70(a) were existing LAPD practice. These procedures were re-affirmed in Special Order 13, published June 26, 2001. Special Order 12, published on June 20, 2001, establishes procedures for supervisors to evaluate incidents in which a person is charged with interfering with a police officer.

On December 27, 2001, Audit Division completed an Arrest, Booking, and Charging (ABC) Audit. The audit revealed that overall, officers and supervisors are in compliance with LAPD policies and procedures. The audit included review of documents relating to 749 arrests and revealed the following deficiencies: 1) supervisors printing their name rather than providing a signature, as required; 2) reports failed to articulate sufficient facts to support the arrest of the suspect; 3) one report failed to articulate sufficient probable cause for searching a suspect; and 4) documentation errors related to Miranda admonitions. The audit findings were forwarded to the respective Bureau commanding officers for administrative review and appropriate action.

The March 29, 2002 Special Enforcement Unit (SEU) Work Product Audit reviewed 240 SEU related Arrest/Booking reports. The SEU Audit revealed the following deficiencies: 1) did not have a copy of the Booking Approval Form attached; 2) were approved by supervisors who printed rather than signed their names; 3) had a similarity in the writing of the supervisor approving the report and the arresting officer signing the report; 5) did not elaborate on the extent of a search, which yielded narcotics; and 6) did not adequately articulate the legal basis for the arrest. These deficiencies are similar to those identified in the December 27, 2001, and June 14, 2001, ABC audit

findings. In addition, the Inspector General's Office, in its review of Audit, identified four arrest reports that raised potential concerns regarding SEU supervision, as required by paragraph 106(f).

On October 23, 2002 the Audit Division completed an audit of Arrest Booking and Charging Reports. Each arrest package was evaluated for one of the four categories: 1) canned language, 2) inconsistent information, 3) articulation of legal basis and 4) other indicia that the information in the document is not authentic or correct. The review of authenticity did not reveal any significant patterns of questionable reporting and/or documentation in any single area of analysis. However, of the 938 arrest packages reviewed, 89 (9.5 percent) did not meet the standard for authenticity in one or more of the four categories.

On December 16, 2002, the LAPD Audit Division completed an "Audit of Supervisory Evaluation of Arrest for Interfering, Resisting Arrest, or Assault on a Police Officer." The 938 reports used in the Arrest, Booking, and Charging Audit (see paragraph 128) were examined to identify reports in which the primary booking charge (consistent with paragraph 70(b)) and/or reasonable suspicion for detention or probable cause for arrest included one or more of the California Penal Code sections pertaining to interfering with or resisting arrest or assault on a police officer. Of the 938 arrest reports reviewed, only 28 involved interfering with or resisting arrest or assault on a police officer. The audit concludes that there was no indication that the relevant Penal Code sections were utilized excessively or inappropriately.

Of the 28 incidents involving interfering with or resisting arrest or assault on a police officer, 11 required supervisory evaluation pursuant to the requirements of paragraph 70(b). Only 7 supervisory review reports were conducted and documented. Such supervisory review reports were found to be complete and met the requirements of paragraph 70(b), with some inconsistencies noted in one report. However, evaluation documentation was not located for the remaining four incidents.

The Independent Monitor's review of 70(b) in July-Sept. 2002 (76 arrests from January 1, 2002 to March 31, 2002) found the City in non-compliance. The Independent Monitor sampled 33 cases in which the primary charge was interfering with a police officer, resisting arrest or assault on an officer. Of this sampling, only two cases were found to have watch commander log entries indicating a review for training, policy and tactics issues. Twelve of the cases did not include an

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entry on the Watch Commander Log indicating review of the arrest for any reason. The Independent Monitored noted concerns regarding training.

Paragraph 70(c) has been identified as a meet and confer item. A review of the LAPD Employee Evaluation Guide, which would include consideration of the requirements of paragraph 70(c), has been initiated (see paragraph 54).

Audits

On December 27, 2001, Audit Division completed an ABC Audit. Deficiencies were identified and remedies implemented.

A March 29, 2002 Special Enforcement Unit (SEU) Work Product Audit, conducted pursuant to paragraph 131, identified deficiencies. Remedies were implemented.

On October 23, 2002 the Audit Division completed an audit of Arrest Booking and Charging Reports. Deficiencies were identified and are in the process of being remedied.

On December 16, 2002, the Audit Division completed an audit of Supervisory Evaluation of Arrests for Interfering, Resisting Arrest, or Assault on a Police Officer. Paragraph 70(b) compliance deficiencies were noted and remedies are being developed.

The Independent Monitor's review of paragraph 70(b) in July- Sept. 2002 found non-compliance. The Independent Monitor's first review of paragraph 70(a) is planned for December 2002 and the next review of paragraph 70(b) is anticipated in March 2003.

Training

On February 4, 2002, the Consent Decree Task Force forwarded correspondence to all Operations Bureau commanding officers reiterating the requirements of paragraph 70(b).

In May/June 2002, Commanding Officers provided training to Watch Commanders and Supervisors, as appropriate, on paragraph 70(b) compliance issues.

Operations-Headquarters Bureau coordinated with the Training Group and added observation point training to Recruit Training Schedule and Watch Commander, Detective, Vice, and Supervisor schools.

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Decree ¶71

Decree Language:

"71. The LAPD shall continue to implement procedures with respect to search warrants and probable cause arrest warrants as defined in the LAPD manual (commonly known as "Ramey" warrants), which require, among other things, that a supervisor shall review each request for a warrant and each affidavit filed by a police officer to support the warrant application. Such review shall include:

a. a review for completeness of the information contained therein and an authenticity review to include an examination for "canned" language, inconsistent information, and lack of articulation of the legal basis for the warrant; and

b. a review of the information on the application and affidavit, where applicable, to determine whether the warrant is appropriate, legal and in conformance with LAPD procedure.

c. In addition, a supervisor shall review the officer's plan for executing the search warrant and, after execution of the search warrant, review the execution of the search warrant. A supervisor shall be present for execution of the search warrant."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: Search Warrant Procedures Guide published in December 1996; Special Order 25, "*Search Warrant Procedures,*" approved by the Commission September 18, 2001; Chief of Police Notice, "*Compliance with Consent Decree Provisions Governing Search Warrant Procedures,*" distributed October 9, 2002, approved by the Police Commission October 15, 2002.

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Activities:

The LAPD completed an audit of search warrant procedures pursuant to paragraph 125(a) on June 21, 2001. The audit identified some deficiencies in search warrant related areas, such as search warrant tracking and consistency in search warrant file format and content.

On July 8, 2002, the Audit Division completed an audit of search warrant applications and supporting affidavits. The audit inspected search warrants that were initiated in Deployment Periods 9-13, 2001(Special Order 25, 2001, was published at the beginning of DP 9 after which training and orientation on the new procedures took place.) The audit identified substantial deficiencies in supervisory oversight and minor deficiencies in the area of canned language and report inconsistencies. The audit did find that the LAPD continues to comply with the requirement that a supervisor be present at the execution of a search warrant. The Inspector General reviewed the audit and indicated the audit was thorough and complete and concurred with the recommendations outlined by the LAPD.

In response to deficiencies identified, revisions to search warrant procedures to remedy deficiencies identified were initiated (see also paragraphs 62 and 72). A draft revision to Special Order 25, 2002, was completed in November 2002 and is currently under internal LAPD review. It is anticipated that the revision will be published in spring 2003. Additionally, the publication of the revised Search Warrant Manual is planned. This Manual is anticipated to be published within approximately 60-days of the approval of the revised Special Order regarding search warrant procedures. An interim Chief of Police Notice on the matter was published on October 9, 2002, directing commanding officers to adhere to the provisions of Special Order 25, 2001, until the revisions are finalized.

<u>Audit</u>

A July 8, 2002, search warrant applications and supporting affidavits audit, completed pursuant to paragraph 128, found minor deficiencies with regard to paragraphs 71(a) and (b) and substantial deficiencies with regard to paragraph 71(c). Deficiencies will be addressed by the Revisions to Special Order 25.

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The Independent Monitor's review of paragraph 71 in July- Sept. 2002 found compliance for paragraphs 71(a) and (b) and non-compliance for paragraph 71(c). The Independent Monitor's next review of paragraph 71 is anticipated in March 2003.

Training

See paragraph 62.

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Decree ¶72

Decree Language:

"72. Each Area and specialized Division of the LAPD shall maintain a log listing each search warrant, the case file where a copy of such warrant is maintained, and the officer who applied for and each supervisor who reviewed the application for such warrant."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: Search Warrant Procedures Guide published in December 1996; Special Order 25, *"Search Warrant Procedures,"* approved by the Commission September 18, 2001. Chief of Police Notice, "*Compliance with Consent Decree Provisions Governing Search Warrant Procedures,*" distributed October 9, 2002, approved by the Police Commission October 15, 2002.

Activities:

Special Order 25 published on September 17, 2001, established the Warrant Tracking Log, new LAPD Form 8.17.05. This form is maintained by each operational division Commanding Officer to track Department generated search and Ramey warrants. Current reviews indicate that although LAPD entities utilize some type of log to track warrants, a large portion of those entities do not use the Warrant Tracking Log, Form 08.17.05. Reviews have also raised concerns regarding completeness and timeliness of log information.

On July 8, 2002, the Audit Division completed an audit of search warrant applications and supporting affidavits. The audit inspected search warrants that were initiated in Deployment Periods 9-13, 2001(Special Order 25, 2001, was published at the beginning of DP 9 after which training and orientation on the new procedures took place.) The audit indicated that warrants were being consistently entered in to logs (95%), but found substantial deficiencies in the information logged. The Inspector General reviewed the audit and indicated the audit was thorough and complete and concurred with the recommendations outlined by the LAPD.

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In response to deficiencies identified, revisions to search warrant were initiated (see also paragraphs 62 and 71). A draft revision to Special Order 25, 2002, was completed in November 2002 and is currently under internal LAPD review. It is anticipated that the revision will be published in spring 2003. Additionally, the publication of the revised Search Warrant Manual is planned. This Manual is anticipated to be published within approximately 60-days of the approval of the revised Special Order regarding search warrant procedures. An interim Chief of Police Notice on the matter was published on October 9, 2002, directing commanding officers to adhere to the provisions of Special Order 25, 2001, until the revisions are finalized.

Audit

A July 8, 2002, audit of search warrant applications and supporting affidavits, completed pursuant to paragraph 128, found deficiencies with regard to paragraph 72. Deficiencies will be addressed by the Revisions to Special Order 25.

The Independent Monitor's review of paragraph 72 in July- Sept. 2002 found non-compliance. The Independent Monitor's next review of paragraph 72 is anticipated in March 2003.

Training

See paragraph 62.

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Decree ¶73

Decree Language:

"73. All detainees and arrestees brought to an LAPD facility shall be brought before a watch commander for inspection. The watch commander shall visually inspect each such detainee or arrestee for injuries as required by LAPD procedures and, at a minimum, ask the detainee or arrestee the questions required by current LAPD procedures, which are: 1) "Do you understand why you were detained/arrested?"; 2) "Are you sick, ill, or injured?"; 3) "Do you have any questions or concerns?" In the rare cases where circumstances preclude such an inspection and interview by a watch commander, the LAPD shall ensure that the person is inspected and interviewed by a supervisor who did not assist or participate in the person's arrest or detention. In each instance, the watch commander or supervisor, as appropriate, shall sign the related booking documentation, which shall indicate their compliance with these procedures."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Primary Compliance Status: Partial Compliance

Policy/Procedure: LAPD Manual Section 4/604; Special Order 10, 2000; Special Order 13, "*Booking Approval Procedures - Revised,*" approved by the Commission July 10, 2001; Special Order 42, "*Detention Logs-Revised,*" approved by the Police Commission December 13, 2002.

Activities:

During the first quarter of 2002, the Department Commander (CDO) inspected geographic Area stations to insure that the new Detention Logs were being completed. During this quarter, all 18 Geographic Areas were inspected by the CDO for adherence to Paragraph 73 mandates. A total of 32 inspections occurred and 9 errors or omissions were noted. All discrepancies were immediately brought to the attention of the on-duty Watch Commander and a copy of the CDO Log was forwarded to the Commanding Officer of the involved Area for action.

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In May 2002 random inspections of detention logs in each geographic Area to further gauge compliance with paragraph 73 were conducted. This review revealed that the Watch Commander's inspection requirements of paragraph 73 are being conducted and that arrestees are being transported to Area stations in compliance with this provision. However, several errors and omissions in completion of the detention logs were noted, which were brought to the attention of the Watch Commander and Area Commanding Officer. Of 2,157 Detention Log entries reviewed for the Month of May 2002, a total of 765 errors or omissions were noted. Subsequent to the random inspections, the errors were corrected and appropriate training was provided by the concerned commands.

In October 2002 random inspections of detention logs in each geographic Area to gauge compliance with paragraph 73 revealed that of the 1,660 arrests reviewed there were 53 cases in which the Watch Commander inspection/interviews were not documented (a 96% compliance rate). This illustrates a substantial increase in compliance. However, pending additional information to fully document compliance, the City is making a finding of partial compliance at this time.

The Independent Monitor reviewed compliance for seventy-six 70(b) arrests from January 1, 2002, to March 31, 2002 for compliance with the provisions of paragraph 73 and found non-compliance.

Audit

First Quarter 2002 CDO inspection of the 18 geographic Area detention logs found general compliance, but noted errors/omissions in the detention logs. Errors were remedied.

Random inspection of detention logs. Errors were corrected and training was provided by Commands as appropriate.

The Independent Monitor's review of paragraph 73 in July- Sept. 2002 found non-compliance. The Independent Monitor's next review of paragraph 73 is anticipated in December 2003.

Training

Commands provided training as appropriate regarding detention log requirements in response to ad hoc detention log inspections.

C. *Initiation of Complaints*

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Decree ¶74

Decree Language:

"74. The Department shall continue to provide for the receipt of complaints as follows:

a. in writing or verbally, in person, by mail, by telephone (or TDD), facsimile transmission, or by electronic mail;

b. anonymous complaints;

c. at LAPD headquarters, any LAPD station or substation, or the offices of the Police Commission or the Inspector General;

d distribution of complaint materials and self-addressed postage-paid envelopes is easily accessible City locations throughout Los Angeles and in languages utilized by the City of Los Angeles in municipal election ballot materials;

e. distribution of the materials needed to file a complaint upon request to community groups, community centers, and public and private service centers;

f. the assignment of a case number to each complaint; and

g. continuation of a 24-hour toll-free telephone complaint hotline. Within six months of the effective date of this Agreement, the Department shall record all calls made on this hotline.

h. In addition, the Department shall prohibit officers from asking or requiring a potential complainant to sign any form that in any manner limits or waives the ability of a civilian to file a police complaint with the LAPD or any other entity. The Department shall also prohibit officers, as a condition for filing a misconduct complaint, from asking or requiring a potential complainant to sign a form that limits or waives the ability of a civilian to file a lawsuit in court."

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PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/December 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Sections 3/810. and 3/815.25; Special Order, 2000; Special Order 17, *"Complaint Investigation Procedures-Revised,"* approved by Commission September 18, 2001; Special Order 19, *"Complaint Information Provided in Additional Languages,"* approved by the Commission September 6, 2001; Office of the Chief of Police Notice, June 20, 2001, *"Internal Affairs Group-24-Hour Complaint Hotline,"* approved by the Commission July 10, 2001; Special Order 36, *"Complaint Reporting Procedures- Revised,"* approved by the Police Commission , November 13, 2001

Activities:

The LAPD continues to accept and investigate complaints from any source, including anonymous complaints. From July 1, 2002 to December 31, 2002 approximately 2,168 complaints were accepted by LAPD. During that same period approximately 35 anonymous complaints were accepted by LAPD.

Complaints are accepted via e-mail on the LAPDOnline.org web site. Approximately 7 complaints were received via the web site from July 1 through December 31, 2002. As reported in the City's August 1, 2002, Report, the e-mail is received by the LAPD Webmaster who in turn prints them and forwards the complaints to IAG. The volume of complaints received via the web site does not warrant the system modifications and system security risks necessary to establish a specific e-mail address for receipt of complaints directly by IAG. This may be revisited by LAPD if compliant volumes filed via the web site substantially increase over time. On November 27, 2002 the LAPD upgraded forms available on the web site for filing complaints and commendations to be more user friendly.

All complaints are assigned a Complaint File Number by IAG. The provisions of paragraph 74(h) have been implemented.

The taping of calls on the Complaint Hotline was initiated on July 1, 2001, and continues. This operation takes place in the Internal Affairs Group Duty Room. The duty room maintains a log

of all the recorded calls and the tapes are forwarded to the assigned investigator for inclusion in the case package. Approximately 193 complaints were received via the hotline from July 1 to December 31, 2002.

The LAPD maintains and makes available complaint materials in English, Spanish, Korean, Chinese, Tagolog, Japanese, and Vietnamese. Although not required by the Consent Decree, foreign language posters in support of the requirements of paragraph 74(d) were developed and are displayed in the appropriate languages in the 18 geographic Areas starting in February, 2002. Periodic front-desk reviews are conducted to ensure appropriate complaint materials are available. Deficiencies are expeditiously remedied. Very few complaints were received in a foreign language over the past six month period.

IAG, Review and Evaluation Section biopsies several complaint investigations monthly to ensure appropriate investigative procedures are employed on an on-going basis. IAG completed approximately 95 such complaint investigation biopsies between July 1, 2002 and December 31, 2002. In late October 2002, IAG implemented a database to better track and quantify biopsies, with 39 complaints currently in the system. Review of those 39 complaints indicate compliance with the provisions of paragraph 74.

Audit

Front Desk Operation reviews to ensure availability of complaint materials.

Internal Affairs Group, Review and Evaluation Section monthly biopsies of complaint investigations.

The Independent Monitor's review of paragraph 74 in July- Sept. 2002 found compliance. The Independent Monitor's next review of paragraph 74 is anticipated in March 2003.

Training

Paragraph 74 mandates have been incorporated into the following LAPD schools: Continuing Education Delivery Plan (CEDP) Module 1, Recruit Training, Supervisor Development School, Detective Supervisor Continuing School, Watch Commander School, Command Development School, and Consent Decree Source Document Training.

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Decree ¶75

Decree Language:

"75. The LAPD shall initiate a Complaint Form 1.28 investigation against (i) any officer who allegedly fails to inform any civilian who indicates a desire to file a complaint of the means by which a complaint may be filed; (ii) any officer who allegedly attempts to dissuade a civilian from filing a complaint; or (iii) any officer who is authorized to accept a complaint who allegedly refuses to do so."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Sections Section 3/805.25 and 3/810; Special Order, 17, *"Complaint Investigation Procedures - Revised"* approved by the Commission September 18, 2001. Special Order 36, *"Complaint Reporting Procedures - Revised,"* approved by the Police Commission, November 13, 2001

Activities:

The requirements of paragraph 75 are current LAPD practice. Manual Section 3/805.25 and 3/810 mandates that violation of Department policies and procedures is misconduct. Complaint acceptance procedures are established in Manual Section 3/810. The requirements included in paragraph 75 were re-affirmed, utilizing language that more directly tracks the language of the Consent Decree, in Special Order 17, published July 23, 2001.

The City's primary compliance review for paragraph 75 is the integrity audits conducted by the IAG Ethics Enforcement Section. The integrity audits designed to evaluate employee conduct regarding acceptance of complaints found that employees responded in a manner consistent with Department policy and the mandates of paragraph 75 (100% pass rate) (see paragraph 79).

During the period of July-December 2002, two personnel complaints were initiated against Department employees for failure to report misconduct. Both cases are currently under investigation. As required by the Consent Decree, the LAPD has appropriate policies in place and procedures to

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discipline employees who fail to follow procedures. These procedures are being appropriately utilized by LAPD and have been enhanced pursuant to various provisions of the Consent Decree.

Audit

Integrity Audits, conducted pursuant to paragraph 97, will seek to identify officers who discourage the filing of a complaint.

The Independent Monitor's review of paragraph 75 in July- Sept. 2002 involved a very small sample size of complaints. Therefore, although those complaints reviewed were found in compliance with the provisions of paragraph 75, due to the small sample size a compliance determination was withheld by the Independent Monitor. The Independent Monitor's next review of paragraph 75 is anticipated in March 2003.

Training

Paragraph 75 information has been incorporated into the following Department schools: CEDP 1, Recruit Training, Supervisor Development School, Detective Supervisor School, Watch Commander School, Command Development School, and Consent Decree Source Document Training.

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Decree ¶76

Decree Language:

"76. The city shall cause the LAPD to be notified whenever a person serves a civil lawsuit on or files a claim against the City alleging misconduct by an LAPD officer or other employee of the LAPD."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/782.30; Risk Management Division Order No. 1, "Notification of Civil Suits," approved by the Commission June 19, 2001

Activities:

It is current City practice that the City Clerk and City Attorney's Office notify the LAPD whenever a person serves a civil lawsuit or files a claim against the City or LAPD regarding an LAPD employee, policy, or procedure.

The LAPD Risk Management Group maintains a database to track and monitor the claims and lawsuits that have been forwarded from the City Attorney's Office.

All claims/lawsuits received have been forwarded to Internal Affairs Group for investigation. Risk Management Division maintains logs of the claims/lawsuits forwarded and telephonically verifies Internal Affairs Group's receipt of the documents. Internal Affairs Group logs receipt of all claims and lawsuits and enters the information into their Claims For Damages Database.

Risk Management Group audits their database quarterly and reports the results to the Consent Decree Task Force. To date, these audits have addressed the procedures for receiving the suits/claims and the distribution of the information to Internal Affairs Group. Two audits of the Claims and Lawsuits Database were conducted by Risk Management Group to ensure that all claims and lawsuits are being properly tracked and received. This audit included a cross-reference of the City Attorney's record of claims and lawsuits involving LAPD employees. The audits identified minor deficiencies which were resolved.

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Audit

Audits of the Claims and Lawsuits Database were by Risk Management Group to ensure that all claims and lawsuits are being properly tracked and received. The audits identified minor deficiencies which were resolved.

Risk Management Group audits their database quarterly and reports the results to the Consent Decree Task Force.

The Independent Monitor's review of paragraph 76 in April-June 2002 found compliance. The Independent Monitor's next review of paragraph 76 is anticipated to be reported in the February 15, 2003 report.

Training

The procedures for transmitting civil lawsuits and claims from the City Clerk and City Attorney, as appropriate, to LAPD are established and the individuals involved constitute a small group which work directly with one another to address issues and resolve discrepancies.

Decree ¶77

Decree Language:

"77. The Department shall continue to require all officers to notify without delay the LAPD whenever the officer is arrested or criminally charged for any conduct, or the officer is named as a party in any civil suit involving his or her conduct while on duty (or otherwise while acting in an official capacity). In addition, the Department shall require such notification from any officer who is named as a defendant in any civil suit that results in a temporary, preliminary, or final adjudication on the merits in favor of a plaintiff complaining of off-duty physical violence, threats of physical violence, or domestic violence by the officer."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Compliance/Paragraphs 8 and 184

Policy/Procedure: LAPD Manual Sections 1/210.46, 3/815.05 and 3/837.10; Risk Management Division Order No. 1, approved by the Risk Management Division and published June 7, 2001, approved by the Commission June 19, 2001; Special Order No. 30, 2001, "*Duty to Report Misconduct-Revised ,*" approved by the Police Commission September 6, 2001; Paragraph 8 and184

Activities:

LAPD Department Manual Section 3/837.10 requires any Department employee who is detained/arrested, or transported to any jail or police facility for any offense, excluding traffic infractions, to advise the arresting officer of his/her Department employee status and to notify the watch commander from his/her Area of assignment without delay, or the Department Command Post if the employee's Area of assignment is closed. Notifications are then made to IAG by the Department Command Post or the watch commander. Civil suits filed against a LAPD employee regarding activities while on duty would be addressed through the civil lawsuit process established in Risk Management Division Order No. 1, published June 7, 2001 (see paragraph 76).

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The requirement that the LAPD require self notification from any officer who is named as a defendant in any civil suit that results in a temporary, preliminary, or final adjudication on the merits in favor of a plaintiff complaining of off-duty physical violence, threats of physical violence, or domestic violence has been identified as a meet and confer item (see paragraphs 8 and 184). To assist with the meet and confer process and to expedite implementation of this provision of paragraph 77 should it turn out to be the result of the meet and confer process, the LAPD has developed a draft order. The draft order naturally would be subject to modification should the meet and confer process lead to different resolutions.

Failure to notify would result in a Department initiated personnel complaint and the allegation would be categorized as Neglect of Duty. As required by the Consent Decree, the LAPD has appropriate policies in place and procedures to discipline employees who fail to follow procedures. These procedures are being appropriately utilized by LAPD and have been enhanced pursuant to various provisions of the Consent Decree

Audit

The Independent Monitor's review of paragraph 77 in April-June 2002 found compliance. The Independent Monitor's next review of paragraph 77 is anticipated to be reported in the February 15, 2003 report.

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Decree ¶78

Decree Language:

"78. The Department shall continue to require officers to report to the LAPD without delay: any conduct by other officers that reasonably appears to constitute (a) an excessive use of force or improper threat of force; (b) a false arrest or filing of false charges; (c) an unlawful search or seizure; (d) invidious discrimination; (e) an intentional failure to complete forms required by LAPD policies and in accordance with procedures; (f) an act of retaliation for complying with any LAPD policy or procedure; or (g) an intentional provision of false information in an administrative investigation or in any official report, log, or electronic transmittal of information. Officers shall report such alleged misconduct by fellow officers either directly to IAG or to a supervisor who shall complete a Complaint Form 1.28. This requirement applies to all officers, including supervisors and managers who learn of evidence of possible misconduct through their review of an officer's work. Failure to voluntarily report as described in this paragraph shall be an offense subject to discipline if sustained."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/805.25, 3/815.05, and 1/210.46; Special Order 30, "*Duty to Report Misconduct,*" approved by the Commission September 6, 2001.

Activities:

An LAPD employee's duty and responsibility to report misconduct to a supervisor is established in current LAPD policy (Manual Section 3/805.25, 3/815.05, and 1/210.46).

On March 28, 2002, Internal Affairs Group conducted a review of compliance with Special Order No. 30, 2001, and reviewed misconduct brought to the Department's attention by Department employees between September 10, 2001, and February 10, 2002. Seven complaint investigations

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were initiated during this time period based on information brought forward by Department employees, two of which were reported to the IAG Duty Room. In addition, on July 1, 2001, the Department adopted a new complaint classification "Failure to Report Misconduct." Nine allegations were received in this classification from July 1, 2001, to July 2002, three of which were re-classifications from the year 2000.

During the period of July-December 2002, six complaints were initiated for "Failure to Report Misconduct." Investigations are still in progress. As required by the Consent Decree, the LAPD has appropriate policies in place and procedures to discipline employees who fail to follow procedures. These procedures are being appropriately utilized by LAPD and have been enhanced pursuant to various provisions of the Consent Decree

Audit

IAG review of compliance with Special Order No. 30, 2001.

The Independent Monitor's review of paragraph 78 in December 2001 found compliance. The Independent Monitor's next review of paragraph 78 is anticipated to be reported in the February 15, 2003, report.

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D. *Conduct of Investigations*

Decree ¶79

Decree Language:

"79. Within 10 days of their receipt by the LAPD, the IAG shall receive and promptly review the "face sheet" of all complaints to determine whether they meet the criteria in paragraphs 93, 94 and 95 for being investigated by IAG, or the OHB Unit, or chain of command supervisors."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: Special Order 17, "*Complaint Investigation Procedures - Established,*", approved by the Commission September 18, 2001; Special Order 36 - *Complaint Reporting Procedures - Revised,*" approved by Police Commission, November 13, 2001

Activities:

The LAPD has largely remedied the difficulties experienced in functionally complying with the 10-day period for processing complaints from LAPD in-take locations to Internal Affairs Group (IAG). The Office of the Inspector General (OIG), Consent Decree Task Force, and the Consent Decree Workgroup all track compliance with paragraph 79 monthly.

Implementation concerns regarding the 10-day complaint processing time were identified early in the process, and LAPD revised the complaint in-take form accordingly. Subsequent to that form coming into broad use in January 2002, implementation difficulties continued. LAPD then undertook significant measures in mid-March to inform commands regarding this specific Consent Decree requirement, as well as to inform each individual command of its specific compliance rate. Delays associated with the processing of failure to appear, failure to qualify, and preventable traffic collisions were identified as being attributable to complaint processing procedures for such LAPD-initiated complaints. A remedy for this processing issue was implemented by IAG in May, 2002. In

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addition, compliance with this provision of the Consent Decree has been specifically incorporated in command accountability (FASTRAC) inspections.

These steps have served to improved compliance over time:

July, 2001	32%
October, 2001	47%
November, 2001	59%
December, 2001	57%
January, 2002	47%
February, 2002	61%
March, 2002	75%
April, 2002	86%
May, 2002	84%
June, 2002	85%
July, 2002	86%
August, 2002	96%
September, 2002	93%
October, 2002	91%
November, 2002	94%
December, 2002	94%

Review of the 21 complaints in November of 2002 that exceeded the 10-day processing time indicate that 8 of those complaints were initiated by the public and 9 were initiated by LAPD (8 of which were failure to qualify, failure to appear, or preventable traffic collisions). Two of the public complaints were identified as having 311 and 230 days elapse between the time the complaint was initiated and the time the complaint was received by IAG. It is unclear at this time whether or not that is a result of inappropriate documentation or not. LAPD continues to track complaints that exceed the 10-day processing time established in paragraph 79.

The OIG and IAG have implemented coordination protocols to expeditiously address any Complaint File number "gaps" to ensure all information is forwarded to the OIG as appropriate, and

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this is monitored monthly by the OIG. Compliance with the 10-day processing time provisions of Consent Decree paragraph 79 will continue to be monitored on a monthly basis.

Upon receipt of the complaints, Internal Affairs Group is classifying the complaints in accordance with Paragraphs 93 and 94 (see also paragraphs 93 and 94).

Training

On March 4, 2002, a memo to all bureau commanding officers was distributed.

IAG Quarterly Divisional Training was conducted on March 6, 2002. Lesson plans document the presentation of material relevant to Paragraph 79.

On March 13, 2002, training for Operations West Bureau training coordinators and adjutants was provided.

Audits

The OIG audits compliance monthly.

The Consent Decree Task Force reviews compliance monthly.

The Independent Monitor's review of paragraph 79 in July-Sept. 2002 found non-compliance. The Independent Monitor's next review of paragraph 79 is anticipated to be reported in the February 15, Report.

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Decree ¶80

Decree Language:

"80. In conducting all Categorical Use of Force investigations, and complaint investigations regarding the categories of misconduct allegations and matters identified in paragraphs 93 and 94 (whether conducted by IAG, the OHB Unit, or by chain of command during the transition period specified in paragraph 95), the LAPD shall, subject to and in conformance with applicable state law:

a. tape record or videotape interviews of complainants, involved officers, and witnesses;

b. whenever practicable and appropriate, and not inconsistent with good investigatory practices such as canvassing a scene, interview complainants and witnesses at sites and times convenient for them, including at their residences or places of business;

c. prohibit group interviews;

d. notify involved officers and the supervisors of involved officers, except when 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 where appropriate, with the burden for such collection on the LAPD, not the complainant; and

g. identify and report in writing all inconsistencies in officer and witness interview statements gathered during the investigation."

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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001/October 15, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: LAPD "Complaint Investigations Guide for Supervisors", October, 2000; Robbery Homicide Division Officer Involved Shooting Manual, 1994; Administrative Order 12, *"Investigating a Personnel Complaint and Evaluating Witness Credibility,"* approved by the Police Commission September 25, 2001; HRB Notice, *"Administrative Investigation Training,"* approved by the Police Commission October 9, 2001; Special Order 39, *"Critical Incident Investigation Division - Established,"* approved by the Police Commission December 11, 2001; Special Order No. 15, *"Revision to Special Order No. 39, 2001 - CIID Investigations,"* approved by the Police Commission May 3, 2002; Special Order No. 36, *"Complaint Reporting Procedures - Revised,"* approved by the Police Commission November 13, 2001.

Activities:

Review of CIID Categorical Use of Force investigations indicates that appropriate investigative activities are being employed, with some deficiencies noted.

Quality control for Categorical Use of Force investigations is enhanced by the Use of Force Review Board's review of all Categorical Use of Force incidents and associated CIID investigations. In addition, CIID has instituted an internal audit process to review investigations.

The Independent Monitor reviewed 37 Categorical Use of Force incidents in the quarter beginning July 1, 2002 and ending September 30, 2002. The Independent Monitor found 100% compliance for conducting interviews at convenient times, prohibiting group interviews, and interviewing supervisors regarding conduct. All but one of the incidents reviewed included identification of material inconsistent statements. Of the 37 incidents reviewed, two contained witness statements that were not recorded and one contained a suspect's statement that was not recorded. In two separate incidents the Independent Monitor indicated that a key witness was not interviewed. Finally, the Independent Monitor noted that although CIID canvassed the scene for

witnesses, LAPD personnel at the scene of an incident did not appear to attempt to identify witnesses where the report indicates by-standers were present at the time of the incident.

IAG now investigates misconduct allegations and matters identified in paragraphs 93 and 94 (see paragraph 95), with those complaint investigations that were in process at the time of transition to IAG continuing to be investigated by chain-of-command.

IAG, Review and Evaluation Section, reviews all completed LAPD complaint investigations to ensure quality investigations department-wide. Further, the Review and Evaluation Section biopsies several complaint investigations monthly to ensure appropriate investigative procedures are employed on an on-going basis. IAG completed approximately 95 such complaint investigation biopsies between July 1, 2002 and December 31, 2002. In late October 2002, IAG implemented a database to better track and quantify biopsies. When errors or deficiencies are identified, a copy of IAG's findings are returned to the investigating entity for educational purposes, as well as to correct reports as appropriate.

The Office of the Inspector General (OIG) also reviewed LAPD misconduct complaint investigations (with the exceptions of failure to appear, failure to qualify, and preventable traffic collisions) for quality, completeness, and appropriateness of findings until November 2002. A summary of complaint investigation and adjudication reviews is provided in the Office of the Inspector General's monthly activity report to the Police Commission. These reports outline concerns relating to specific investigations and/or adjudications. The cases highlighted in the reviews are maintained in an OIG tracking system for reference. Beginning in November 2002, the OIG began transitioning to a random sample audit procedure for review complaints, pursuant to the requirements of paragraph 136. The planned enhancements to the OIG tracking system became moot due to this new random audit procedure.

The OIG and IAG Review and Evaluation Section have found that the majority of complaint investigations are of appropriate quality, however, some deficiencies have been identified. Such reviews have indicated deficiencies in canvassing the scene for witnesses, which in some cases simply involves a documentation issue and not an investigative deficiency. Minor deficiencies in tape recording interviews or documenting when a complainant or witness refuses to be tape recorded

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were also noted. In only one investigation biopsies since late October 2002 was a supervisor identified as not being interviewed by IAG. The OIG and Audit Division audits of complaints currently underway will provide for better quantification of compliance with the provisions of paragraph 80.

The Independent Monitor reviewed 19 complaint investigations completed by IAG in the quarter beginning July 1, 2002 and ending September 30, 2002. The Independent Monitor found 100% compliance for conducting interviews at convenient times, prohibiting group interviews, and interviewing supervisors regarding conduct. The Independent Monitor noted that complainant interviews were not always recorded. Only one complaint investigation was noted as not documenting that officers canvassed the scene for witnesses.

In fall of 2002, the "Supervisor's Guide to Investigations" and the Police Officer's Bill of Rights (California Government Code 3300 et. seq.) was made available on the LAPD intranet system. Easy access to such reference documents will facilitate complaint investigations and associated LAPD training efforts. IAG revisions to the "Supervisor's Guide to Investigations," which will incorporate the requirements of various Consent Decree requirements, including the provisions of paragraph 80, has been delayed in order to incorporate and reflect the proposed revised complaint investigation procedures

The IAG, Review and Evaluation Section initiated a quarterly newsletter in February 2002, as a vehicle to share information and to be a training resource for complaint investigation and adjudication processes. No newsletters were published from July 1 to December 31, 2002. However, the "R&E Chronicles," which is a bound compilation of previous newsletters and additional reference materials was printed and made available by IAG. In addition, on October 23, 2002, the "R&E Chronicles" were presented to Administrative Lieutenants for use. The R&E Chronicles address many issues such as risk management, the initial investigation process, locating witnesses, consent decree issues relating to use of force, statute of limitations, paraphrasing statements and other topics of interest. Review and Evaluation Section newsletters are planned to be published on a quarterly basis.

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Audits

Internal Affairs Group, Review and Evaluation Section monthly biopsies of complaint investigations.

Critical Incident Investigation Division internal audit process (quarterly).

An Audit Division audit of Categorical Use of Force Investigations is planned for the fourth quarter (April-June) of FY 02-03, pursuant to paragraph 129.

An Audit Division Complaint Form 1.28 investigations audit is anticipated to be completed in the third quarter (Jan.-March) of FY 02-03, pursuant to paragraph 129.

An Inspector General audit of Complaint Form 1.28 investigations is anticipated to be completed by the end (July) of FY 02-03, pursuant to paragraph 136.

The Independent Monitor's review of paragraph 80 in July-Sept. 2002 found compliance for paragraph 80(b-e) and (g) and non-compliance for paragraph 80(a) and (f). The Independent Monitor's next review of paragraph 80 is anticipated in March 2003.

Training

Internal Affairs Group Divisional Training Process. IAG conducts quarterly training for all personnel assigned to the Group. Training sessions took place on September 4, 9, and 23, 2002. The curriculum focus for this quarter was Cultural Diversity. On December 11, 2002, IAG investigators received training from representatives of the Santa Monica/UCLA Rape Treatment Center regarding Sexual Assault Victims.

IAG "R&E Chronicles" made available in October 2002.

In fall of 2002, the "Supervisor's Guide to Investigations" and the Police Officer's Bill of Rights (California Government Code 3300 et. seq.) was made available on the LAPD intranet system.

Training regarding the investigative procedures is provided in the curriculum for Watch Commander School, Detective Supervisor School, and Basic Supervisor School. The curriculum has been enhanced to further highlight these investigative procedures consistent with the Consent Decree (also see paragraphs 55, 100, and 123).

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"Supervisor's Guide to Investigations" is in the process of being revised and updated, to be released upon incorporation of revised complaint procedures once approved by the Police Commission.

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Decree ¶81

Decree Language:

"81. Chain of command investigations of complaints (other than those covered by paragraph 80), and Non-Categorical Uses of Force shall comply with subsections, c, e, and f of paragraph 80 where applicable."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: LAPD "*Complaint Investigations Guide for Supervisors*", October, 2000; LAPD Use of Force Handbook, August 1995; Commission Motion regarding Categorical Use of Force; implementing Human Resources Bureau Notice, "*Categorical Use of Force Classifications and Investigative Responsibility*" published July 30, 2001; Administrative Order 12, "*Investigating a Personnel Complaint,*" approved by the Police Commission September 25, 2001; Special Order 27, "*Investigation of Non-Categorical Use of Force Incidents,*" approved by the Police Commission September 25, 2001; Special Order No. 39, "*Critical Incident Investigation Division - Established,*" approved by the Police Commission December 11, 2001; Special Order No. 15, "*Revision to Special Order No. 39, 2001 - CIID Investigations,*" approved by the Police Commission April 22, 2002; Special Order No. 36, "*Complaint Reporting Procedures - Revised,*" approved by the Police Commission, November 13, 2001; Human Resources Bureau Notice, "*Administrative Investigation Training Requirements - Revised,*" approved by the Police Commission October 9, 2001.

Activities:

See also paragraphs 68 and 80.

Although not required by the Consent Decree, LAPD revised non-categorical use of force review procedures to require review of all such incidents by the Risk Management Group. This ensures consistency of review, and provides for overall review of policies and procedures in consideration of incidents department-wide. In addition, such consistent review provides for

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additional quality control assurance for non-categorical investigations. Reviewers of non-categorical uses of force investigations indicate that investigations and documentation continue to improve.

The Commanding Officer of the Risk Management Group has returned non-categorical use of force investigations for additional action for various purposes, including but not limited to statements not being attached, documentation for reason no photographs were taken not provided, and appropriate signatures on the Internal Investigative Reports. In addition, the Commanding Officer of Risk Management Group has consulted with all LAPD Divisions to discuss the most common errors and/or deficiencies, the new procedures, and to seek in-put regarding enhancements to the process. Finally, the Risk Management Group created a checklist for most common errors on non-categorical use of force reports for distribution as appropriate.

On August 16, 2002, the Inspector General completed an audit of Non-Categorical Use of Force Reports for the period of September 1, 2001 to November 30, 2001. The audit noted minor deficiencies in documentation of actions taken to identify witnesses.

The OIG and IAG, Review and Evaluation Section, review complaint investigations (see paragraph 80 discussion). These reviews have found that the majority of complaint investigations are of appropriate quality. However, such reviews have indicated deficiencies in canvassing the scene for witnesses and interviewing supervisors who were present at the scene. The OIG and Audit Division audits of complaints currently underway will provide for better quantification of compliance with the provisions of paragraph 81.

Audits

Internal Affairs Group, Review and Evaluation Section monthly biopsies of complaint investigations.

An Audit Division Complaint Form 1.28 investigations audit is anticipated to be completed in the third quarter (Jan.-March) of FY 02-03, pursuant to paragraph 129.

An Inspector General audit of Complaint Form 1.28 investigations is anticipated to be completed by the end (July) of FY 02-03, pursuant to paragraph 136.

The Inspector General non-categorical use of force investigation audit conducted pursuant to paragraph 136, was completed ion August 16, 2002, for the period of September 1, 2001 to

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November 30, 2001, identified deficiencies. Remedies have been implemented. Additional revisions to the non-categorical use of force review process are currently being developed.

An Audit Division non-categorical use of force investigation audit is planned to be completed in the third quarter (Jan.-March) of FY 02-03 pursuant to paragraphs 128 and 129.

The Independent Monitor is anticipated to review non-categorical use of force investigations and chain-of-command complaint investigations in March 2003.

Training

Checklist for most common errors on non-categorical use of force reports distributed.

Internal Affairs Group Divisional Training Process.

IAG "R&E Chronicles" made available in October 2002.

In fall of 2002, the "Supervisor's Guide to Investigations" and the Police Officer's Bill of Rights (California Government Code 3300 et. seq.) was made available on the LAPD intranet system.

Training regarding the investigative procedures is provided in the curriculum for Watch Commander School, Detective Supervisor School, and Basic Supervisor School. The curriculum has been enhanced to further highlight these investigative procedures consistent with the Consent Decree (also see paragraphs 55, 100, and 123).

"Supervisor's Guide to Investigations" is in the process of being revised and updated, to be released upon incorporation of revised complaint procedures once approved by the Police Commission.

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Decree ¶82

Decree Language:

"82. If during the course of any investigation of a Categorical Use of Force, Non-Categorical Use of Force, or complaint, the investigating officer has reason to believe that misconduct may have occurred other than that alleged by the complainant, the alleged victim of misconduct, or the triggering item or report, the investigating officer must notify a supervisor, and an additional Complaint Form 1.28 investigation of the additional misconduct issue shall be conducted."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/810.20 and 3/810.30; Special Order 8, 2000, *"Complaint Reporting Procedures- Revised,"* February 24, 2000; Special Order 30, 2001, *"Duty to Report Misconduct,"* approved by the Police Commission September 6, 2001; Special Order 39, *"Critical Incident Investigation Division - Established,"* approved by the Police Commission December 11, 200; Administrative Order 12, *"Investigating a Personnel Complaint and Evaluating Witness Credibility,"* approved by Police Commission, September 25, 2001

Activities:

The requirements of paragraph 82 were in place prior to the Consent Decree implementation time frame of October 15, 2001. These procedures were also re-affirmed in the Special Order 39, published December 7, 2001.

CIID reviews all Categorical Use of Force incidents and forwards any identified misconduct allegations to IAG as appropriate. Similarly, potential misconduct identified during non-categorical use of force investigations is reported to IAG. Additional misconduct allegations identified during the coarse of a misconduct investigation are generally incorporated into that misconduct investigation (see also paragraph 65 discussion regarding failure to report uses of force).

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IAG, Review and Evaluation Section biopsies several complaint investigations monthly to ensure appropriate investigative procedures are employed on an on going basis. In late October 2002, IAG implemented a database to better track and quantify biopsies, with 39 complaints currently in the system. IAG indicates that that review indicates compliance with the provisions of paragraph 82.

The Independent Monitor has noted Categorical Use of Force incidents illustrate compliance with the provisions of paragraph 82, however the sample size of reviewed cases was small and did not include complaints or non-categorical uses of force. Therefore a compliance determination for paragraph 82 was withheld by the Independent Monitor.

Audits

See paragraphs 80 and 81.

The Independent Monitor's review of paragraph 82 in July-Sept. 2002 involved a small sample of Categorical Uses of Force and did not include review of non-categorical use of force and complaint investigations. Therefore a determination of compliance was withheld. The Independent Monitor's next review of paragraph 82 is anticipated in March 2003.

Training

See paragraphs 80 and 81.

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Decree ¶83

Decree Language:

"83. Subject to restrictions on use of information contained in applicable state law, the OHB unit investigating Categorical Uses of Force as described in paragraph 55 and 93 and IAG investigators conducting investigations as described in paragraphs 93 and 94, shall have access to all information contained in TEAMS II, where such information is relevant and appropriate to such investigations, including training records, Complaint Form 1.28 investigations, and discipline histories, and performance evaluations."

PROGRESS/STATUS SUMMARY

Due Date: Post Teams II

Current Compliance Status: Use of TEAMS 1.5 Pending TEAMS II Development

Policy/Procedure: Special Order No. 13, "*Training Evaluation and Management System - Guidelines*", dated April 5, 2002.

Activities:

The RMIS and its protocol for use are under development and will include the provisions of paragraph 83. Also see paragraphs 47 and 64.

TEAMS 1.5, designed to provide greater access to TEAMS I information, making it easier for supervisors to review employee TEAMS I records as appropriate, is now operational in all 18 geographical Areas (see paragraph 39). TEAMS I records are available to IAG and CIID, as appropriate and consistent with State law.

Audit

Internal Affairs Group, Review and Evaluation Section monthly biopsies of complaint investigations.

CIID internal reviews.

The Independent Monitor has noted this provision as not being required pending development of TEAMS II.

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Training

See paragraphs 80 and 81.

CIID and IAG investigators have received training regarding access and use of TEAMS 1.5 information as appropriate.

Prior to deployment of TEAMS 1.5, training on use of the system was provided by ITD staff to the assigned Training Coordinators for all Divisions. A Basic User Guide and an Advanced User Guide was also distributed as appropriate and also made available on the LAPD's Intranet.

E. *Adjudicating Investigations*

Decree ¶84

Decree Language:

"84. The Department shall continue to employ the following standards when it makes credibility determinations: use of standard California Jury Instructions to evaluate credibility; consideration of the accused officer's history of complaint investigations and disciplinary records concerning that officer, where relevant and appropriate; and consideration of the civilian's criminal history, where appropriate. There shall be no automatic preference of an officer's statement over the statement of any other witness including a complainant who is also a witness. There shall be no automatic judgment that there is insufficient information to make a credibility determination when the only or principal information about an incident is contained in conflicting statements made by the involved officer and the complainant. Absent other indicators of bias or untruthfulness, mere familial or social relationship with a victim or officer shall not render a witness' statement as biased or untruthful; however, the fact of such relationship may be noted."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Department Management Guide to Discipline, January 2000; Administrative Order 12, "*Investigating a Personnel Complaint,*" approved by the Police Commission September 25, 2001; LAPD "*Complaint Investigations Guide for Supervisors*", October, 2000.

Activities:

Administrative Order 12, distributed on September 6, 2001, re-affirmed the procedures with language that more directly tracked the Consent Decree, including specifically explaining the provisions of paragraph 84 that relate to conflicting statements and noting of familial relationships.

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The application of credibility determination standards occurs in the adjudication phase of complaints, once the administrative investigation has been completed. Commanding officers, in communicating their rationale for adjudication, document their perception of the veracity of witnesses in the Letter of Transmittal. Credibility determinations are included in the rationale passed down at a Board of Rights Hearings and Use of Force Review Boards. The guidelines for applying the standard California Jury Instruction standard were re-affirmed and delineated in Administrative Order 12.

IAG, Review and Evaluation Section, reviews all completed LAPD complaint investigations to ensure quality investigations department-wide. This review includes evaluation of documentation of witness credibility determinations.

In late October 2002, IAG implemented a database to better track and quantify complaint investigation biopsies, with 39 complaints currently in the system. IAG indicates that that review indicates general compliance with the provisions of paragraph 84.

The Independent Monitor reviewed 19 complaint investigations completed by IAG in the quarter beginning July 1, 2002 and ending September 30, 2002. The Independent Monitor noted that LAPD was in compliance with provisions of paragraph 84, with the exception of documenting that civilian criminal histories were considered for seven of the 19 investigations reviewed. However, civilian criminal histories are not generally available to persons investigating, reviewing, and adjudicating complaints. State law establishes right-to-know and need-to-know standards for accessing criminal history information. Credibility determinations for complaint adjudication does not rise to that level. Furthermore, discounting complaints based upon criminal history would be inappropriate in the case of reviewing complaints against LAPD employees. Therefore, documentation as to the consideration of civilian criminal histories is not warranted or necessary, but rather the exception of use of such information in credibility determinations should be documented.

<u>Audit</u>

See paragraphs 80 and 81.

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The Independent Monitor's review of paragraph 84 in July-Sept. 2002 found non-compliance for paragraph 84. The Independent Monitor's next review of paragraph 84 is anticipated in March 2003.

Training

See paragraphs 80 and 81.

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Decree ¶85

Decree Language:

"85. The LAPD shall adjudicate all complaints using a preponderance of the evidence standard. Wherever supported by evidence collected in the investigation, complaints shall be adjudicated as "sustained," "sustained-no penalty," "not resolved," "unfounded," "exonerated," "duplicate" or "no Department employee." In no case may a Complaint Form 1.28 investigation be closed without a final adjudication."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/820.20; Special Order 8, *"Complaint Reporting Procedures-Revised,"* February 24, 2000; Management Guide to Discipline, January 2000; Board of Rights Manual; Special Order 36, *"Complaint Reporting Procedures - Revised,"* approved by Police Commission November 13, 2001.

Activities:

The LAPD adjudicates all complaints using a preponderance of the evidence standard. The OIG and IAG, Review and Evaluation Section, review complaint investigations and adjudications for quality and findings (see also paragraphs 80 and 81). These reviews indicate compliance with the provisions of paragraph 85.

The current dispositions used for complaint adjudication are: Insufficient Evidence to Adjudicate, Sustained, Sustained-No Penalty, Not Resolved, No Misconduct, Other Judicial Review, No Department Employee, Duplicate, and Withdrawn by the Chief of Police. The No Misconduct disposition includes the following sub-dispositions: Unfounded, Exonerated, and Policy/Procedure. In addition, complaints considered by the Board of Rights are adjudicated as Guilty and Not Guilty. The Other Judicial Review classification was first implemented in October 2001, to address two types of complaints. One involves post-conviction criminal matters where the facts have already been adjudicated in Court. The other pertains to civil matters not involving duty related activity where no

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finding of criminal or civil misconduct against an employee has been made, such as an alleged violation of a temporary restraining or child custody order.

From July 1, 2002 through December 31, 2002, approximately 3,471 complaints, consisting of approximately 9,709 allegations, were closed. Such allegation adjudications were made supported by evidence collected in the investigation and classified as follows: 172 Guilty; 159 Not Guilty; 675 Insufficient Evidence to Adjudicate; 1,532 Sustained; 145 Sustained-No Penalty; 813 Not Resolved; 5,681 No-Misconduct (1,258 Exonerated ; 4,165 Unfounded; 68 No-Misconduct; 190 Policy/Procedure); 343 Other Judicial Review; 90 No Department Employee; 0 Duplicate, and; 99 Withdrawn by the Chief of Police.

The Independent Monitor reviewed 19 complaint investigations completed by IAG in the quarter beginning July 1, 2002 and ending September 30, 2002. The Independent Monitor found compliance with the provisions of paragraph 85.

Audits

See paragraphs 80 and 81.

The Independent Monitor's review of paragraph 85 in July-Sept. 2002 found compliance for paragraph 85. The Independent Monitor's next review of paragraph 85 is anticipated in March 2003.

Training

See paragraphs 80 and 81.

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Decree ¶86

Decree Language:

"86. Withdrawal of a complaint, unavailability of a complainant to make a statement, or the fact that the complaint was filed anonymously or by a person other than the victim of the misconduct, shall not be a basis for adjudicating a complaint without further attempt at investigation. The LAPD shall use reasonable efforts to investigate such complaints to determine whether the complaint can be corroborated."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Administrative Order 12, "*Investigating a Personnel Complaint*," approved by the Commission September 25, 2001; Special Order 36, "*Complaint Reporting Procedures - Revised*," approved by Police Commission November 13, 2001.

Activities:

The LAPD continues to accept and investigate complaints from any source, including anonymous complaints. From July 1 to December 31, 2002 approximately 3,471 complaints were closed. Of these approximately 27 were anonymous complaints.

The LAPD uses reasonable efforts to investigate all complaints received, including complaints withdrawn by the original complainant, complaints where complainant is unavailable to make a statement, anonymously filed complaints, or complaints filed by a person other than the victim of the misconduct. However, completion of some investigations is hampered by an inability to obtain necessary information and/or interview witnesses, which results in insufficient evidence to adjudicate the complaint.

The OIG and IAG, Review and Evaluation Section, review complaint investigations and adjudications for quality and findings (see also paragraphs 80 and 81). These reviews indicate compliance with the provisions of paragraph 86.

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The Independent Monitor reviewed 19 complaint investigations completed by IAG in the quarter beginning July 1, 2002 and ending September 30, 2002. Of those 6 were third party complaints, 3 were anonymous complaints, and thee complaints were withdrawn. The Independent Monitor found compliance with the provisions of paragraph 86 in each of those six cases, but due to the small sample size withheld a compliance finding for paragraph 86.

Audits

See paragraphs 80 and 81.

The Independent Monitor's review of paragraph 86 in July-Sept. 2002 found compliance for those complaint investigations reviewed; however, due to the small sample size a compliance determination for paragraph 86 was withheld by the Independent Monitor. The Independent Monitor's next review of paragraph 86 is anticipated in March 2003.

Training

See paragraphs 80 and 81.

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Decree ¶87

Decree Language:

"87. All investigations of complaints shall be completed in a timely manner, taking into account: (a) the investigation's complexity; (b) the availability of evidence; and (c) overriding or extenuating circumstances underlying exceptions or tolling doctrines that may be applied to the disciplinary limitations provisions (i) applicable to LAPD officers and (ii) applicable to many ether law enforcement agencies in the State of California. The parties expect that, even after taking these circumstances into account, most investigations will be completed within five months."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/820.01; Administrative Order 12, 2001, "*Investigating a Personnel Complaint and Evaluating Witness Credibility,*" approved by the Police Commission September 25, 2001; Special Order 36, "*Complaint Reporting Procedures - Revised,*" approved by the Police Commission November 13, 2001; Chief of Staff Notice "*Referencing The Investigation Complete Date For Complaint Investigations*" May 9, 2002.

Activities:

Beginning in January 2002, LAPD began documenting chain-of-command complaint investigation duration utilizing a newly established Active Case Tracking System. From July 1 through December 31, 2002, approximately 3,471 complaints were closed by LAPD. LAPD has consistently completed a majority of complaint investigations (51% or greater) within 5-months or less:

January	63%
February	60%
March	65%
April	56%

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May	57%
June	53%
July	54%
August	51%

Even with the five-month lag time for assessing compliance with this provision, for calendar year 2002, the LAPD has already achieved a 51% rate of completing investigations within a 5-month time frame.

The LAPD tracks the 5-month complaint investigative goal for IAG complaint investigations alone as well. This is done to assist in the on going evaluation of IAG staffing levels (see also paragraph 95). In the summer of 2002 as complaints were being transitioned to IAG pursuant to paragraphs 93 and 94, increasing the workload for IAG, the number of IAG complaint investigations completed within a 5-month period decreased by at least 10% from those completed within 5-months from January through April 2002. An IAG staffing plan was established and modifications to the paragraph 93 and 94 complaint transition plan were made as appropriate (see paragraph 95). This has increased the number of complaint investigations completed within the 5-month goal and as indicated above, department-wide, the goal has been consistently maintained. The LAPD will continue to track the investigative time frame for the department as a whole, as well as for IAG.

In late October 2002, IAG implemented a database to better track and quantify complaint investigation biopsies, with 39 complaints currently in the system. IAG indicates that that review indicates compliance with the provisions of paragraph 87.

To further assist in the management of complaint investigations, IAG has posted a listing of complaint caseload by Area and Bureau, indicating whether the case is still pending or was returned, and the reason for the return, on the LAPD intranet. Complaint case management will be further enhanced with the implementation of the Complaint Management System (see paragraph 39).

On June 18, 2002, the Police Commission approved conceptual changes to the misconduct complaint investigation and adjudication process. Implementing orders and procedures were submitted to the Police Commission in late fall 2002, with additional changes to the Order requested.

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The LAPD is in the process of revising the Order as directed by the Police Commission. These changes are anticipated to further streamline the complaint investigation process.

Although not required by the Consent Decree, on May 8, 2002, a procedure was implemented that requires complaint investigators to send letters to complainants in the event a complaint investigation has not been completed within a 5-month period, in an effort to keep complainants better informed regarding the status of the review of their complaint and to assist in ensuring verification that complaints are being timely investigated on an on-going basis (see also paragraph 91).

The LAPD has addressed the data entry backlog of closed complaint cases and has made substantial progress in addressing the investigative backlog. The data entry backlog was reduced from approximately 3,000 in September 2001, to 500 in January 2002, and now consists of the normal turnover of closed cases.

The Independent Monitor reviewed 19 complaint investigations completed by IAG in the quarter beginning July 1, 2002 and ending September 30, 2002, and found compliance with the paragraph 87.

<u>Audits</u>

Monthly review of compliant investigative period by IAG.

Internal Affairs Group, Review and Evaluation Section monthly biopsies of complaint investigations.

An Audit Division Complaint Form 1.28 investigations audit is anticipated to be completed the third quarter of third quarter (Jan.-March) of FY 02-03, pursuant to paragraph 129.

An Inspector General audit of Complaint Form 1.28 investigations is anticipated to be completed by the end (July) of FY 02-03, pursuant to paragraph 136

The Independent Monitor's review of paragraph 87 in July-Sept. 2002 found compliance for paragraph 87. The Independent Monitor's next review of paragraph 87 is anticipated in March 2003.

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Training

See paragraphs 80 and 81.

IAG posting of complaint caseload by Area and Bureau on the LAPD intranet.

F. *Discipline & Non-Disciplinary Action*

Decree ¶88

Decree Language:

"88. The Chief of Police, no later than 45 calendar days following the end of each calendar quarter, shall report to the Commission, with a copy to the Inspector General, on the imposition of discipline during such quarter (the "Discipline Report"). The Chief of Police shall provide the first such report to the Police Commission by February 15, 2001, and such report shall provide the information listed below for the period from the effective date of this Agreement until December 31, 2000; thereafter such report will be provided on a calendar quarter basis. Such report shall contain: (a) a summary of all discipline imposed during the quarter reported by type of misconduct, broken down by type of discipline, bureau, and rank; (b) a summary comparison between discipline imposed and determinations made by the Boards of Rights during the quarter, (c) a written explanation of each reduction in penalty from that prescribed by the Board of Rights; (d) a description of all discipline and non-disciplinary actions for each Categorical Use of Force the Commission has determined was out of policy; and (e) a written explanation, following the Chief of Police's final determination regarding the imposition of discipline, when discipline has not been imposed (other than exoneration by the Board of Rights) and the following has occurred: the officer has entered a guilty plea or has been found guilty in a criminal case; the officer had a Complaint Form 1.28 investigation, is the categories identified in paragraphs 93 and 94 (whether conducted by the OHB Unit, IAG, or by chain of command during the transition period specified in paragraph 95) sustained; or the officer has been found civilly liable by a judge or jury of conduct committed on duty or while acting in his or her official capacity; or the officer's conduct has been the basis for the City being found civilly liable by a judge or jury. Each quarterly Discipline Report shall include as attachments copies of the monthly Internal Affairs Group Reports on Administration of Internal Discipline for that quarter, which, during

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the term of this Agreement, shall continue to contain at least the level of detail included in the August 1999 report."

PROGRESS/STATUS SUMMARY

Due Date: February 15, 2001/quarterly thereafter

Current Compliance Status: Partial Compliance

Policy/Procedure: February 27, 2001, Commission Motion regarding Creation and Review of Disciplinary Reports and Disciplinary Investigations.

Activities:

The Quarterly Discipline Report for the second quarter (April-June) of calendar year 2002 was submitted to the Police Commission on August 9, 2002 and the Quarterly Discipline Report for the third quarter (July- Sept.) of calendar year 2002 was submitted to the Police Commission on November 14, 2002. A copy of each report was also provided to the Inspector General as mandated by Paragraph 88.

The Quarterly Discipline Reports contain the level of information required pursuant to paragraph 88 and included in the August 1999 report; however, the format of the report was modified in May to be more concise, user friendly, and to accommodate the desired public nature of the report. The Consent Decree Workgroup reviewed the Quarterly Discipline Reports in detail on two separate occasions in the first quarter of the calendar year and found that the reports submitted for Police Commission consideration met the requirements established in Consent Decree paragraph 88. During the Consent Decree Workgroup's most recent review, it was recommended that an additional summary table be added to future reports to further inform the Commission regarding complaint allegation numbers by category and rank.

In the Independent Monitor's reports to the Court dated May 15, 2002, and for the quarter ending September 30, 2002, the Independent Monitor concluded that the LAPD was not in compliance with the Consent Decree requirements relating to the Quarterly Discipline Report. The City notified the Independent Monitor that it disagreed with the Monitor's conclusions regarding compliance with the provisions of Consent Decree paragraph 88 and a meeting was held on June 12,

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2002, to discuss the Independent Monitor's concerns with the LAPD's Quarterly Discipline Reports. DOJ participated in that meeting and followed up with a written letter to the City detailing DOJ's concerns with the Quarterly Discipline Report. Subsequent discussions have been held.

One of the Independent Monitor's concerns was the timeliness of the information included in the Discipline Report. As previously reported, the LAPD has addressed the data entry back-log of closed complaint cases and has made substantial progress in addressing the investigative backlog (see paragraph 87). The data entry backlog was reduced from approximately 3,000 in September 2001, to 500 in January 2002, and now consists of the normal turnover of closed cases. In addition, the IAG and the OIG continue to review opportunities to further streamline the complaint investigation and review process. However, with the limitations of the current LAPD complaint tracking computer databases and complaint processing, the timeliness of data entered for use in the Discipline Report is approaching LAPD's maximum capabilities. The planned complaint management system (see paragraph 39) will further enhance the timeliness of information included in the Discipline Report.

The Independent Monitor also expressed concerns regarding the manner in which discipline is summarized in the report. In consideration of the concerns discussed with the Independent Monitor, the City investigated different manners in which to present the data that would assist in addressing the concerns expressed. The City submitted a revised Quarterly Discipline Report format to the Independent Monitor and DOJ for discussion on Monday, July 15, 2002. The City revised the Quarterly Discipline Report format in the August, 2002 Quarterly Discipline Report.

In addition, although not required by the Consent Decree, IAG has worked to modify its computer programs to accommodate including compliant summaries in an attempt to resolve compliant summary issue. Complaint summary information collection was initiated in November 2002, and summaries for complaints closed in October 2002 are being entered retroactively. It is anticipated that the March, 2003 Quarterly Discipline Report will include compliant summaries for all complaints closed in the fourth quarter of the 2002 calendar year. With this new process it is anticipated that there will be a period of inconsistencies in summary type and detail. Such inconsistencies will be addressed as the process is improved over time.

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It must be noted that concerns of the OIG cited in the Independent Monitor's Third Quarterly Status Report to the Court, were provided in the OIG's review of the discipline reports submitted for Police Commission consideration. The Police Commission acted to maintain the Quarterly Discipline Report format presented by LAPD. However, because of the myriad of ways in which the complex data can be presented and reviewed to identify potential areas of concerns, the Police Commission did request that LAPD and the Inspector General meet to ensure that the information the Inspector General needed to complete an appropriate analyses of discipline imposed was made available to the Inspector General. The LAPD now provides the Inspector General with the database used to develop the discipline report to provide the Inspector General with maximum analyses flexibility. The IAG has also committed to run reports requested by the Inspector General or the Police Commission to facilitate analyses of the data.

The next Quarterly Discipline Report is due March 15, 2003. That report will be presented on schedule and in an again revised format as indicated above for Police Commission review and consideration, as the Police Commission previously acted to maintain the report format presented by LAPD. The City will continue to work with the Independent Monitor and DOJ to address concerns as appropriate.

The LAPD, Police Commission, and Inspector General, will continue to review the Quarterly Discipline Reports and make modifications as appropriate to facilitate the Police Commission's review of the Chief of Police's performance as it relates to discipline issues.

<u>Audit</u>

OIG's review of Quarterly Discipline Reports pursuant to paragraph 89.

The Independent Monitor's review of paragraph 88 in July-Sept. 2002 found non-compliance for paragraph 88. The Independent Monitor's next review of paragraph 88 is anticipated to be reported in the February 15, 2003 report.

<u>Training</u>

Appropriate IAG personnel are trained to produce the Quarterly Discipline Report and to program existing systems for desired modifications as appropriate.

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Decree ¶89

Decree Language:

"89. The Inspector General shall review, analyze and report to the Commission on each Discipline Report, including the circumstances under which discipline was imposed and the severity of any discipline imposed. The Commission, no later than 45 days after receipt of the Discipline Report, following consultation with the Chief of Police, shall review the Discipline Report and document the Commission's assessment of the appropriateness of the actions of the Chief of Police described in the Discipline Report. With respect to Categorical Uses of Force, such assessment and documentation shall be made for each officer whose conduct was determined to be out of policy by the Commission. Such assessment and documentation shall be considered as part of the Chief's annual evaluation as provided in paragraph 144."

PROGRESS/STATUS SUMMARY

Due Date: April 2, 2001/ quarterly thereafter

Current Compliance Status: Partial Compliance

Policy/Procedure: City Charter Section 573; February 27, 2001, Commission Motion regarding Creation and Review of Disciplinary Reports and Disciplinary Investigations; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission, November 21, 2000; Special Order No. 5, *"Policies and Authority Relative to the Inspector General,"* approved by the Police Commission February 9, 2001; *"Office of the Inspector General Consent Decree Implementation Plan,"* approved by the Commission, June 29, 2001; *"Revised Office of the Inspector General Consent Decree Implementation Plan,"* approved by the Commission on February 5, 2002.

Activities:

The Quarterly Discipline Report for the second quarter (April-June) of calendar year 2002 was submitted to the Police Commission on August 9, 2002. The OIG review of that report was

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submitted to the Commission on September 16, 2002. The Quarterly Discipline Report for the 2002 calendar year second quarter was acted upon by the Police Commission on September 24, 2002.

The Quarterly Discipline Report for the third quarter (July- Sept.) of calendar year 2002 was submitted to the Police Commission on November 14, 2002. The OIG review of that report was submitted to the Commission on December 12, 2002. The Quarterly Discipline Report for the 2002 calendar year third quarter was acted upon by the Police Commission on December 17, 2002.

The OIG selected particular complaint categories or issues of concern to evaluate in greater detail for each Quarterly Discipline Report, reported the findings of that evaluation to the Police Commission, and made recommendations as appropriate.

The Reports were agendized for Commission consideration in both open and closed session. This allows to Police Commission to accept public comment on the report, and to make personnel evaluation decisions in closed session, as is required, with the benefit of the Quarterly Discipline Report, public comment made on the report, and discussions in closed session. The Police Commission's assessment related to Chief of Police discipline decisions is documented in a confidential file, and is used in the Chief of Police's annual evaluation (see paragraph 144).

The Independent Monitor's review of paragraph 89 in July-Sept. 2002 found compliance for the provisions of paragraph 89 concerning review, analysis, and reporting by the OIG and Police Commission, as applicable. However, the Independent Monitor found non-compliance regarding the provision requiring the Police Commission to document its assessment of discipline imposed, particularly pertaining to Categorical Use of Force cases.

The Police Commission is in the process of ensuring that the Police Commission's evaluation of the Quarterly Discipline Report and information appropriate to consider in the annual evaluation of the Chief of Police is being appropriately documented.

<u>Audit</u>

OIG monitor's time period to ensure OIG reviews are completed in a timely fashion.

The Independent Monitor's review of paragraph 89 in July-Sept. 2002 found compliance for the provision of paragraph 89 regarding review, analysis, and reporting and non-compliance for the provision regarding Police Commission documentation of its assessment. The Independent

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Monitor's next review of paragraph 89 is anticipated to be reported in the Independent monitor's February 15, 2003 report.

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Decree ¶90

Decree Language:

"90. The LAPD shall continue its practice of having managers evaluate all Complaint Form 1.28 investigations to identify underlying problems and training needs. After such evaluations the manager shall implement appropriate non-disciplinary actions or make a recommendation to the proper LAPD entity to implement such actions."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/830.20; Department Guide to Discipline

Activities:

The requirements of paragraph 90 are current LAPD practice. Commanding Officers, in response to complaint investigations and adjudication findings, make recommendations regarding disciplinary and non-disciplinary actions as appropriate. These recommendations are reviewed through the chain-of-command. In addition, the Office of the Inspector General and IAG, Review and Evaluation Section review complaint investigations and adjudications.

In late October 2002, IAG implemented a database to better track and quantify complaint investigation biopsies, with 39 complaints currently in the system. IAG indicates that that review indicates compliance with the provisions of paragraph 90. See also paragraphs 80 and 81.

The Independent Monitor's review of paragraph 90 in July-Sept. 2002 found compliance for paragraph 90. The Independent Monitor indicated that Management reviewed complaint investigations and although not in every investigation, recommendations on issues such as training and additional investigative procedures were noted. In addition, supervisory training includes issues identified through the compliant investigative process.

Audits

See paragraphs 80 and 81.

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The Independent Monitor's review of paragraph 90 in July-Sept. 2002 found compliance for paragraph 90. The Independent Monitor's next review of paragraph 90 is anticipated to be reported in the February 15, 2003 report.

Training

See paragraphs 80 and 81.

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Decree ¶91

Decree Language:

"91. After a complaint is resolved by the LAPD, the LAPD shall inform the complainant of the resolution, in writing, including the investigation's significant dates, general allegations, and disposition.

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: LAPD Manual Section 3/820.11; Chief of Staff Notice "*Referencing The Investigation Complete Date For Complaint Investigations*" May 8, 2002.

Activities:

The LAPD continues to notify complainants in writing of the resolution and disposition of complaints. As previously reported to the Court, on May 8, 2002, a procedure was implemented that established a consistent complainant letter response format, while providing flexibility to Commanding Officers to include information they deemed appropriate.

In late October 2002, IAG implemented a database to better track and quantify complaint investigation biopsies, with 39 complaints currently in the system. IAG indicates that that of the 39 cases reviewed all had letters sent to complainants, except one. That error has now been remedied.

IAG, the focal point for mailing complainant response letters, has been alerted to deficiencies in mailing response letters. The issue has been remedied by IAG and the City believes that is it currently in compliance with the provisions of paragraph 91. The complaint investigation audits may assist in better quantifying compliance, although the audits may be a review investigations completed prior to implementation of revised IAG procedures.

The LAPD is in the process of streamlining the complaint investigation process. Part of that effort includes the mailing of complainant response letters by chain-of-command supervisors, with copies being submitted to IAG. This change in procedure will require training and monitoring in order to ensure continued compliance.

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In addition, although not required by the Consent Decree, new LAPD procedures require complaint investigators to send letters to complainants in the event a complaint investigation has not been completed within a 5-month period (see paragraph 87), in a effort to keep complainants better informed regarding the status of the review of their complaint. From July 1 through December 31, 2002, IAG mailed 279 "5-month" letters to complainants. Additional letters may have been mailed by chain-of-command supervisors.

The Independent Monitor's review of paragraph 91 in July-Sept. 2002 found non-compliance for paragraph 90. The Independent Monitor reviewed 19 closed complaint cases. The Independent Monitor found for 7 of the 19 cases none of the requirements of paragraph 91 were satisfied, and for 13 of the 19 cases, one or more of the requirements were not satisfied.

Audits

See paragraphs 80 and 81.

The Independent Monitor's review of paragraph 91 in July-Sept. 2002 found non-compliance for paragraph 91. The Independent Monitor is anticipated to review compliance again in March 2003.

Training

See paragraphs 80 and 81.

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Decree ¶92

Decree Language:

"92. The City and the Department shall prohibit retaliation in any form against any employee for reporting possible misconduct by any other employee of the LAPD. Within six months of the effective date of this Agreement and annually thereafter, the Police Commission shall review the Department's anti-retaliation policy and its implementation and make modifications as appropriate to protect officers from reprisals for reporting misconduct. The Commission's review of such policy and its implementation shall consider the discipline imposed for retaliation and supervisors' performance in addressing and preventing retaliation."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001/December 15, 2002

Current Compliance Status: Partial Compliance

Policy/Procedure: Administrative Order No. 2, *"Anti-Discrimination Efforts of the LAPD,"* January 1999; February 27, 2001, Commission Motion regarding *"Creation and Review of Disciplinary Reports and Disciplinary Investigations"*; September 18, 2001, the Commission action on Report from the Chief of Police regarding the anti-discrimination efforts of the LAPD in the workplace; Commission's annual review of retaliation policy, January 8, 2002.

Activities:

The Police Commission re-affirmed the LAPD anti-retaliation policy on January 8, 2002.

In July 2001, the LAPD implemented a distinct complaint category for retaliation, thereby enhancing the LAPD's ability to better track such complaints and associated discipline. The discipline imposed for sustained retaliation complaints is presented in the Quarterly Discipline Reports (see paragraph 88).

The Office of the Inspector General (OIG) has also implemented a system to specifically track retaliation complaints. The OIG also may accept retaliation complaints (see paragraph 139). The OIG reports to the Police Commission monthly regarding complaints received by the OIG, including

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complaints regarding retaliation. When retaliation complaints raise issues involving adequacy of a supervisory oversight, such issues are within the scope of the OIG's review.

The Police Commission staff, LAPD, and OIG are currently in the process of preparing a report on the LAPD's anti-retaliation policy, consistent with the requirements of paragraph 92. With the swearing in of a new Chief of Police in fall of 2002, the transition in the Inspector General's Office, the establishment of a new "LAPD Consent Decree Bureau" within LAPD, and associated changes in management, the review of the anti-retaliation policy has been delayed. It is currently anticipated that the Police Commission will review the policy in late February 2003.

Audit

Annual review of the policy by the Police Commission.

Quarterly Discipline Reports and OIG review of Quarterly Discipline Reports.

The Independent Monitor's review of paragraph 92 in March 2002 found compliance for paragraph 92. The Independent Monitor is anticipated to review compliance again in March 2003.

Training

The anti-retaliation training has been incorporated into the eight "core" Department schools: Recruit Training, Field Training Officer School, Basic Detective School, Detective Supervisor School, Watch Commander School, Supervisor Development School, Command Development School and CEDP.

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G. *Internal Affairs Group*

Decree ¶93

Decree Language:

"93. The City shall reallocate responsibility for complaint investigations between IAG and chain-of-command supervisors. Under this reallocation, IAG, and not chain-of-command supervisors shall investigate (a) all civil suits or claims for damages involving on duty conduct by LAPD officers or civil suits and claims involving off-duty conduct required to be reported under paragraph 77j and (b) all complaints which allege:

(i) unauthorized uses of force, other than administrative Categorical Use of Force investigations (which shall be investigated by the OHB Unit as part of its investigation of such Categorical Uses of Force);

(ii) invidious discrimination (e.g., on the basis of race, ethnicity, gender, religion, national origin, sexual orientation, or disability), including improper ethnic remarks and gender bias;

(iii) unlawful search;

(iv) unlawful seizure (including false imprisonment and false arrest);

(v) dishonesty;

(vi) domestic violence;

(vii) improper behavior involving narcotics or drugs;

(viii) sexual misconduct;

(ix) theft; and

(x) any act of retaliation or retribution against an officer or civilian."

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PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Special Order 17, "*Complaint Investigation Procedures-Revised,*" approved by the Commission September 18, 2001; Special Order 17, "*Complaint Investigation Procedures-Revised ,*" approved by the Police Commission September 18, 2001; IAG Notice, "*Internal Affairs Investigation Transition Plan,*" approved by the Police March 12, 2002.

Activities:

The LAPD has implemented a transition plan for complaint investigations covered by paragraph 93. See paragraph 95.

Audit

See paragraph 95.

The Independent Monitor's review of paragraph 93 in September 2002 found compliance for paragraph 93. The Independent Monitor is anticipated to review compliance again in March 2003.

Training

See paragraph 95.

Decree ¶94

Decree Language:

"94. In addition to the categories of complaint allegations set forth in paragraph 93, IAG and not chain of command supervisors, shall investigate the following:

a. all incidents in which both (i) a civilian is charged by an officer with interfering with a police officer (California Penal Code § 148), resisting arrest, or disorderly conduct, and (ii) the prosecutor's office notifies the Department either that it is dismissing the charge based upon officer credibility or a judge dismissed the charge based upon officer credibility;

b. all incidents in which the Department has received written notification from a prosecuting agency in a criminal case that there has been as order suppressing evidence because of any constitutional violation involving potential misconduct by an LAPD officer, any other judicial finding of officer misconduct made in the course of a judicial proceeding or any request by a federal or state judge or magistrate that a misconduct investigation be initiated pursuant to some information developed during a judicial proceeding before a judge or magistrate. The LAPD shall request that all prosecuting agencies provide them with written notification whenever the prosecuting agency has determined that any of the above has occurred;

c. all incidents in which an officer is arrested or charged with a crime other than low grade misdemeanors, as defined in the LAPD manual, which misdemeanors shall be investigated by chain-of-command supervisors; and

d. any request by a judge or prosecutor that a misconduct investigation be initiated pursuant to information developed during the course of an official proceeding in which such judge or prosecutor has been involved."

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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001 w/ transition completed December 31, 2002

Current Compliance Status: Compliance

Policy/Procedure: Special Order 17, *"Complaint Investigation Procedures-Revised,"* approved by the Commission September 18, 2001; Special Order 17, *"Complaint Investigation Procedures-Revised ,"* approved by the Police Commission September 18, 2001; IAG Notice, *"Internal Affairs Investigation Transition Plan,"* approved by the Police Commission March 12, 2002; Special Order 12, *"Evaluation of Arrests for Booking,"* approved by the Commission July 10, 2001; Letter to Prosecuting Agencies and Public Defenders regarding notification procedures for potential misconduct, April 27, 2001.

Activities:

The LAPD has implemented a transition plan for complaint investigations covered by paragraph 93. See paragraph 95.

Audit

See paragraph 95.

The Independent Monitor's review of paragraph 94 in September 2002 included review of 19 complaint investigations, only one of which consisted of the subject matter covered by paragraph 94. The Independent Monitor is anticipated to review compliance again in March 2003.

Decree ¶95

Decree Language:

"95. The City shall in fiscal year 2001-2002 provide all necessary position authorities to fully implement paragraphs 93 and 94. Investigation responsibilities shall be transitioned as positions are filled. Prior to positions being filled, investigation responsibilities shall be transitioned commensurate with available resources. Positions will be filled and investigation responsibility transition shall be completed by December 31, 2002. For complaints filed on or after July 1, 2001, the Department shall make a first priority of allocating to IAG complaints in the categories specified in paragraphs 93 and 94 against officers assigned to special units covered by paragraph 106. The LAPD shall make a second priority of allocating to IAG complaints alleging unauthorized uses of force (other than administrative Categorical Uses of Force). These complaint investigations will be allocated to IAG so as to allow the City to meet its obligations under paragraph 87 of this Agreement."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001 w/ transition completed December 31, 2002

Current Compliance Status: Compliance

Policy/Procedure: Special Order 17, "*Complaint Investigation Procedures-Revised,*" approved by the Commission September 18, 2001; Special Order 17, "*Complaint Investigation Procedures-Revised ,*" approved by the Police Commission September 18, 2001; IAG Notice, "*Internal Affairs Investigation Transition Plan,*" approved by the Police March 12, 2002; Chief of Police Correspondence," *Revising the Internal Affairs Group Investigative Transition Plan and Addressing Staffing Shortages*," September 27, 2002, approved by the Police Commission October 15, 2002.

Activities:

In FY 00-01, the City approved an Integrity Assurance Package (IAP) to implement several of the recommendation of the Board of Inquiry into the Rampart Area Corruption Incident. The IAP positions which were related to enhanced IAG complaint investigation capabilities (Special

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Operations, Ethics Enforcement, and Review and Evaluation) were "regularized" in the FY 01-02 Budget and continued in the FY 02-03 Budget and facilitate and complement Consent Decree implementation. Additional IAG positions were authorized in FY 01-02 and 02-03 as necessary to implement complaint investigation related Consent Decree provisions. See also paragraph 11.

In FY 01-02 thirty-eight IAG investigative positions were authorized and funded and in FY 02-03 and additional thirty-eight investigative positions were funded. Positions are filled utilizing a "loan program." The loan program provides personnel from within LAPD to work in positions for approximately 2 months, providing employees and management the opportunity to review the appropriateness of the position for the employee. It must be noted that IAG, as all LAPD operations, experience staff fluctuations based upon retirements, re-assignment, promotion, transfer, and limited tour assignments (see paragraph 99). All IAG positions are impacted by these on-going and dynamic changes, not just those added specifically for Consent Decree purposes. Therefore, overall IAG staffing needs must be considered. The LAPD continues to monitor such IAG staffing levels.

In preparing for the planned October 1, 2002, final transition of complaints to IAG, review of IAG investigator staffing levels and compliance with paragraph 87 regarding complaint investigative timelines was conducted. During summer months, the LAPD minimizes training programs scheduled and other activities that would pull officers from the field in an effort top maximize officer deployment. With reduced recruitment, the IAG loanee program was impacted by such summer deployment maximization activities. This, accompanied by the hiring and promotional freeze (see paragraph 11) precipitated the development of a IAG staffing plan and a revision to the complaint investigation transition plan (see additional discussion below) which was approved by the Police Commission on October 15, 2002.

The staffing plan provides for a total IAG investigative staff of 208 by summer 2003. That staffing plan is currently proceeding on-track. In summer 2002, IAG had a staffing level of approximately 145. In January 2003, the staffing level is at approximately 173.

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Office space for IAG Central and Headquarters investigation entities has been expanded. The command, administrative, review, training, and projects sections of IAG occupied moved into the new leased office space in September 2002.

The IAG Special Operations Section and Ethics Enforcement Section are currently staffed at an appropriate level for their operations.

As previously reported to the Court, the first and second priority investigations identified in paragraph 95 were transitioned to IAG beginning October 1, 2001. Those investigations covered by paragraph 94, domestic violence (paragraph 93(b)(vi)), narcotics/drugs (paragraph 93(b) (vii)), sexual misconduct (paragraph 93(b)(viii)), and retaliation (paragraph 93(b)(x)), were transitioned to IAG on January 1, 2002.

On April 1, 2002, complaints regarding invidious discrimination (paragraph 93(b)(ii)), including complaints of racial profiling were transitioned to IAG. On July 1, 2002, unlawful search (paragraph 93(b)(iii)) and unlawful seizure (paragraph 93(b) iv)) complaints were transitioned to IAG. LAPD entities assigned complaint investigation in those categories prior to the transition date retained investigative responsibilities for those cases.

The final transition of complaints was planned for October 1, 2002, and was to include complaints regarding theft (paragraph 93(b)(ix)), dishonesty (paragraph 93(b)(v)), and complaints generated by civil suits or claims for damages (93(a)). It was anticipated that the workload related to civil suits and claims for damages would be considerable. Prior to implementation of the planned October 1, 2002, transition, the plan was evaluated based upon IAG staffing levels and compliance with paragraph 87 regarding complaint investigative timelines. Based upon the findings of that review, on October 15, 2002, the Police Commission acted to split the final transition into two phases, with claims for damages transition on October 1, 2002 and theft and dishonesty complaints transitioned on December 1, 2002. Complaint investigations were subsequently transitioned on that revised schedule. LAPD entities assigned complaint investigation in those categories prior to the transition date retained investigative responsibilities for those cases.

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The effects of the transition can be seen in the number of complaint investigations assigned to IAG and the chain-of- command in 2001versus 2002.

	2001		2002	
	COC/IAG	IAG % of Total	COC/IAG	IAG % of Total
April	423/44	9%	340/123	27%
May	421/50	11%	323/113	26%
June	374/39	9%	269/120	31%
July	451/54	11%	243/94	28%
August	466/53	10%	256/81	24%
October*	327/94	22%	192/138	31%
November	342/87	20%	167/101	38%
December	295/81	22%	136/83	38%

* First month of complaint transition

The TEAMS I record for employees assigned to IAG, or provided on an "on loan" basis, were reviewed, with special attention afforded to the misconduct categories identified in paragraph 51(d). Subsequently, IAG Form 1.80's were reviewed for all newly assigned employees. IAG Form 1.80's will be reviewed for employees on-loan during the two-month loan period.

The Independent Monitor's review of paragraph 95 in June 2002 found non-compliance for paragraph 95. The Independent Monitor's compliance finding was based solely upon the staffing levels of IAG, and did not consider the performance of the staff. The City is in compliance for paragraphs 93, 94, 97, and 87, and therefore, IAG staffing is adequate pursuant to the requirements of paragraph 95.

Audit

IAG reviews all Compliant 1.28 Forms to ensure proper investigative assignment (see paragraph 79).

City review of IAG staffing levels and compliance with paragraph 87 regarding complaint investigative timelines.

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An Audit Division Complaint Form 1.28 investigations audit is anticipated to be completed the third quarter of third quarter (Jan.-March) of FY 02-03, pursuant to paragraph 129.

An Inspector General audit of Complaint Form 1.28 investigations is anticipated to be completed by the end (July) of FY 02-03, pursuant to paragraph 136.

The Independent Monitor's review of paragraph 95 in June 2002 found non-compliance for paragraph 95. The Independent Monitor is anticipated to review compliance again in the Independent Monitor's February 15, 2003 report.

Training

Notification to Commands as complaints are transitioned.

Investigative procedures consistent with paragraph 80 are included in Watch Commander School, Detective Supervisor School, and Basic Supervisor School. IAG training is included in these schools. See also paragraphs 80 and 100.

Training on classification of complaints is periodically provided to Internal Affairs Group personnel through the quarterly training sessions conducted by IAG.

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Decree ¶96

Decree Language:

"96. Paragraphs 93 and 94 shall not apply to misconduct complaints lodged against the Chief of Police, which investigations shall be directed by the Commission as set forth in paragraph 145. Paragraphs 93 and 94 do not preclude IAG from undertaking such other investigations as the Department may determine."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 571; Special Order 17, "*Complaint Investigation Procedures-Revised,*" approved by the Commission September 18, 2001.

Activities:

It is the current practice of the Police Commission to investigate misconduct complaints lodged against the Chief of Police. See also paragraph 145.

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Decree ¶97

Decree Language:

"97. By July 1, 2001, the City shall develop and initiate a plan for organizing and executing regular, targeted, and random integrity audit checks, or "sting" operations (hereinafter "sting audits,") to identify and investigate officers engaging in at-risk behavior, including: unlawful stops, searches, seizures (including false arrests), uses of excessive force, or violations of LAPD's Manual Section 4/264.50 (or its successor). These operations shall also seek to identify officers who discourage the filing of a complaint or fail to report misconduct or complaints. IAG shall be the unit within the LAPD responsible for these operations. The Department shall use the relevant TEAMS II data, and other relevant information, in selecting targets for these sting audits. Sting audits shall be conducted for each subsequent fiscal year for the duration of this Agreement. Nothing in this Agreement is intended to limit the application of any federal statute."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Primary Compliance Status: Compliance

Policy/Procedure: Special Order 22, "*Ethics Enforcement Section-Established,*" approved by the Commission September 18, 2001

Activities:

The operation of the Ethics Enforcement Section is monitored by the Commanding Officer, Internal Affairs Group. Quarterly Audit reports are approved by the Chief of Police and forwarded to the Police Commission pursuant to Paragraph 127.

The First Quarter 2002 Ethics Enforcement Quarterly Report was reported to the Chief of Police on June 4, 2002, and subsequently communicated to the Police Commission on June 13, 2002 and the Office of the Inspector General (OIG) on June 14, 2002. Fifteen audits were completed, with 67 employees being reviewed, regarding unlawful stops, unlawful searches, unlawful seizers,

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excessive use of force, discourage filing of complaints. LAPD staff audited had a 82% pass rate, with the 18% discrepancy in the passing rate resulting from inconclusive audits. The OIG completed a review of the audits on August 6, 2002, and made recommendations on potential methods of improving integrity audits. Police Commission acted upon the audits and OIG review on September 3, 2002.

Second Quarter 2002 Ethics Enforcement Quarterly Report was reported to the Chief of Police on August 12, 2002, and subsequently communicated to the Police Commission on August 14, 2002, and the Office of the Inspector General (OIG) on August 15, 2002. Six audits were completed, with 10 employees being reviewed, regarding unlawful stops, unlawful seizures, uses of excessive force, violation of LAPD Manual Section 4/264.50, and discourage filing of complaints. LAPD staff audited had a 100% pass rate. The OIG completed a review of the audits on September 28, 2002, and commented that audits continue to improve in terms of planning, sophistication, effective deployment, and overall quality. Police Commission acted upon the audits and OIG review on October 15, 2002.

Third Quarter 2002 Ethics Enforcement Quarterly Report was reported to the Chief of Police on November 15, 2002, and subsequently communicated to the Police Commission on November 21, 2002, and the Office of the Inspector General (OIG) on November 25, 2002. Eleven audits were completed, with 44 employees being reviewed, regarding unlawful searches, unlawful seizures, and discouraging complaints. LAPD staff audited had a 66% pass rate and a 17% fail rate. Appropriate actions were taken by LAPD regarding inappropriate officer actions. The OIG completed a review of the audits on September 28, 2002, and commented that audits continue to improve in terms of planning, sophistication, effective deployment, and overall quality. The OIG is currently reviewing the Third Quarter Report.

TEAMS I data, complaint information, and other relevant data/information was utilized to select the targets for integrity audits.

Ethics Enforcement Section was authorized four additional positions in the FY 02-03 Budget. See paragraph 95.

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Audit

OIG review of Integrity Audits.

The Independent Monitor's review of paragraph 97 in June 2002 found compliance for paragraph 97. The Independent Monitor is anticipated to review compliance again in the Independent Monitor's February 15, 2003 report.

Training

IAG, Ethics Enforcement Section (EES) personnel attended the following training since October 2001: all attended 2 hours of Racial Profiling Training; all attended 8 hours at IAG Training Day; 6 attended 36 hours of DOJ Surveillance Training, and 2 attended Specialized Training.

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Decree ¶98

Decree Language:

"98. The commanding officer of IAG shall select the staff who are hired and retained as IAG investigators and supervisors, subject to the applicable provisions of the City's civil service rules and regulations and collective bargaining agreements. Investigative experience shall be a desirable, but not a required, criterion for an IAG investigatory position. Officers who have a history of any sustained investigation or discipline received for the use of excessive force, a false arrest or charge, or an improper search or seizure, sexual harassment, discrimination or dishonesty shall be disqualified from IAG positions unless the IAG commanding officer justifies in writing the hiring of such officer despite such a history."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance/ Paragraphs 8 and 184

Policy/Procedure: Employee Selection Manual.

Activities:

It is current LAPD practice that Commanding Officers are responsible for selecting staff and ensuring selected staff are qualified to perform the duties of the position for which they are selected. The IAG staff "on-loan" program is unique to IAG and provides for personnel to work in IAG positions for approximately 2 months, providing employees and management the opportunity to review the appropriateness of the position for the employee, prior to staff being made formal offers of fill IAG positions.

Job advertisement postings clearly state that investigative experience is a desirable, but not required criteria for the position of IAG investigator.

The TEAMS I record for employees assigned to IAG, or provided on an "on loan" basis, were reviewed, with special attention afforded to the misconduct categories identified in paragraph

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51(d). Subsequently, IAG Form 1.80's were reviewed for all newly assigned employees. IAG Form 1.80's are reviewed for employees on-loan during the two-month loan period.

The provision requiring justification for hiring and documentation of compliant history has been identified as a meet and confer item (see also paragraph 51(d)).

Audit

Internal IAG review.

The Independent Monitor's review of paragraph 98 in June 2002 found compliance for paragraph 98. The Independent Monitor is anticipated to review compliance again in the Independent Monitor's February 15, 2003 report.

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Decree ¶99

Decree Language:

"99. The Department shall establish a term of duty of up to three years for the IAG Sergeants, Detectives and Lieutenants who conduct investigations, and may reappoint an officer to a new term of duty only if that officer has performed in a competent manner. Such IAG investigators may be removed during their term of duty for acts or behaviors that would disqualify the officer from selection to IAG or under any other personnel authority available to the Department."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Sections 3/763.55. 3/763.60, 3/763.65, and 3/763.67

Activities:

The limited tour provisions of paragraph 99 are current LAPD practice. The commanding officer of Internal Affairs Group has conducted appropriate review of employee performance prior to re-appointing personnel.

During the period of July 1 through December 31, 2002, six IAG investigators had their tours extended. Reviews of effected personnel consistent with that required pursuant to paragraph 99 were completed and documented prior to extending the terms of duty. During the same period, no IAG investigators were involved in any acts or behaviors that would have precluded selection or require removal.

Audits

Internal IAG reviews.

The Independent Monitor's review of paragraph 99 in June 2002 found compliance for paragraph 99. The Independent Monitor is anticipated to review compliance again in the Independent Monitor's February 15, 2003 report.

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Decree ¶100

Decree Language:

"100. IAG investigators shall be evaluated based on their competency in following the policies and procedures for Complaint Form 1.28 investigations. The LAPD shall provide regular and periodic re-training and re-evaluations on topics relevant to their duties."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance/Paragraphs 8 and 184

Policy/Procedure: Performance Evaluation Guide; Human Resources Bureau Notice, "*Administrative Investigation Training,*" approved by the Commission October 9, 2001;

Activities:

It is current LAPD practice that IAG investigators are evaluated based upon their competency related to personnel complaint investigations. Such reviews are further enhanced by the limited tour provisions of paragraph 99, which required appropriate review of employee performance prior to re-appointing personnel (see paragraph 99).

IAG is currently completing Performance Evaluations on all Detective personnel assigned to the Group. The review process will screen the evaluations to ensure the provisions of paragraph 100 are addressed.

A review of the LAPD Employee Evaluation Guide has been initiated and will include consideration of the evaluation requirements of paragraph 100 (see paragraph 54).

Audit

The Independent Monitor's has not yet reviewed paragraph 100. The Independent Monitor is anticipated to review compliance with paragraph 100 in the Independent Monitor's February 15, 2003 report.

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Training

IAG conducts quarterly training for all personnel assigned to the Group. Training sessions took place on September 4, 9, and 23, 2002. The curriculum focus for this quarter was Cultural Diversity. On December 11, 2002, IAG investigators received training from representatives of the Santa Monica / UCLA Rape Treatment Center regarding Sexual Assault Victims.

See paragraphs 80 and 81.

Decree ¶101

Decree Language:

"101. The LAPD shall refer to the appropriate criminal prosecutorial authorities all incidents involving LAPD officers with facts indicating criminal conduct."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 2/214.22; District Attorney Special Directive 01-10, *"Referral of Allegations of Criminal Misconduct to the Justice System Integrity Division,"* November 7, 2001; District Attorney *"Protocol for the Referral of Allegations of Criminal Misconduct by Law Enforcement Personnel to the Los Angeles District Attorney,"* November 7, 2001; Office of the Chief of Police Notice, *"Department Criminal Filing Review Procedures for Employees Accused of Prima Fascia Misconduct,"* approved by Chief of Police October 25, 2001.

Activities:

The LAPD reports Quarterly to the Police Commission regarding criminal cases submitted for prosecutor review. Cases were submitted as follows:

Cases submitted to prosecutors - 3rd Quarter 2002:

?	Cases presented this quarter	32
?	Cases rejected by prosecutors	20
?	Cases filed by District Attorney	1
?	* Cases filed by City Attorney	1
?	Cases pending prosecutor decision	11

Cases presented to prosecutors - 4th Quarter 2002:

?	Cases presented this quarter	18
?	Cases rejected by prosecutors	92 (82 were Rampart cases finally reaching disposition)

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? Cases filed by District Attorney 0

? Cases filed by City Attorney 0

? Cases pending prosecutor decision 11

The Office of the Chief of Police Notice, "Department Criminal Filing Review Procedures for Employees Accused of Prima Fascia Misconduct," approved by Chief of Police on October 25, 2001, was considered by the Police Commission at its April 2, 2002, meeting. At that time the OIG raised concerns about the definition of cases that qualify for referral to prosecutors. Appropriate clarifications were provided as a result of the multi-agency discussions. LAPD procedures are in the process of being clarified as appropriate.

See also paragraph 57.

Audit

OIG reviews all quarterly reports regarding criminal cases submitted for prosecutor review.

The Independent Monitor's review of paragraph 101 in March 2002 found compliance with paragraph 101. The Independent Monitor is anticipated to review compliance with paragraph 101 in the Independent Monitor's February 15, 2003 report.

Training

IAG training updates scheduled for 2002 on a quarterly basis. See paragraph 123.

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H. *Non Discrimination Policy and Motor Vehicle and Pedestrian Stops*

Decree ¶102

Decree Language:

"102. The Department shall continue to prohibit discriminatory conduct on the basis of race, color, ethnicity, national origin, gender, sexual orientation, or disability in the conduct of law enforcement activities. The Department shall continue to require that, to the extent required by federal and state law, all stops and detentions, and activities following stops or detentions, by the LAPD shall be made on the basis of legitimate, articulable reasons consistent with the standards of reasonable suspicion or probable cause."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Sections 1/110.20, 1/115.01, 1/115.40, 1/120, 1/120.10, 1/210.13, 1/240.05, 1/508, and 1/522; Department Legal Bulletins dated March 1995 and January 1996; Special Order 23, "*Policy Prohibiting Racial Profiling,*" approved by the Police Commission August 8, 2001.

Activities:

The City has long-standing anti-discrimination policies in place.

The LAPD has implemented procedures to ensure that discrimination is reported and addressed as appropriate. This is accomplished by providing numerous venues for submitting complaints (see paragraphs 74 and 78). In addition, LAPD has established a specific complaint allegation category of racial profiling, thereby enhancing the LAPD's ability to track such complaints and associated discipline. This also assists in ensuring that such discrimination complaints are investigated by IAG, as opposed to the chain-of-command, as appropriate.

Individuals stopped by LAPD are provided with documentation identifying the officer involved. Such documentation could include a citation, warning, etc. In the event no action is taken

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by an officer in response to a stop, officers are required to provide persons with a business card detailing the officer' serial number, date, and time of the stop. LAPD business cards include the LAPD's 1-800 complaint hotline on the back. This "receipt" process provides constituents with information necessary to initiate a complaint if they believe they have been stopped inappropriately and the LAPD with the information necessary to investigate any such complaint.

For the period of July 1 through December 31, 2002, 41 personnel complaints alleging racial profiling and 6 alleging discrimination were initiated. These complaints are being investigated. During the same period, 110 personnel complaint investigations alleging racial profiling and 70 alleging discrimination were closed. Discipline imposed for sustained racial profiling and discrimination allegations are reported in the Quarterly Discipline Reports (see paragraph 88).

The OIG's analysis of the Second 2002 Quarterly Discipline Report focused on review of racial profiling complaint investigations (see paragraph 89). The OIG made several recommendations to improve such investigations, which are being incorporated by IAG.

Although not required by the Consent Decree, a Request for Proposal (RFP) for data analyses of pedestrian and traffic stop data collected pursuant to paragraphs 104 and 105 is in the process of being drafted. A draft RFP was provided to the Independent Monitor, DOJ, and the Los Angeles Police Protective League. Comments were received on January 14, 2003. It is currently anticipated that the RFP will be released in February 2003. See paragraph 104.

The Independent Monitor's review of paragraphs 102 and 103 in Sept.2002 found non-compliance with paragraph 102 and 103 due to the City's failure to publish an RFP for stop data analysis, no annual audit process, and lack of problem-solving exercises in training. At the same time the Independent Monitor offers no evidence of discrimination. As discussed above, the City is in the process of preparing an RFP for professional services to develop a data analysis methodology. The Consent Decree does not require an annual audit of non-discrimination. The City is auditing this provision via exception reporting as appropriate. Training regarding non-discrimination and diversity have been performed by LAPD utilizing numerous media. Training programs continue to be reviewed and enhanced (see also paragraph 133), including the engagement of the use of the Museum of Tolerance to provide racial profiling training.

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Audit

Review of discrimination complaints by IAG, OIG, and Audit Division.

Quarterly Discipline Reports.

Integrity audits (see paragraphs 97 and 78).

The Independent Monitor's review of paragraphs 102 and 103 in Sept.2002 found non-compliance with paragraph 102 and 103 due to the City's failure to publish an RFP for stop data analysis, no annual audit process, and lack of problem-solving exercises in training. The Independent Monitor is anticipated to review compliance with paragraphs 102 and 103 in the Independent Monitor's February 15, 2003 report.

Training

LAPD has initiated implementation of an 8-hour racial profiling training program developed by the California Police Officers Standards and Training (POST). The Museum of Tolerance, in coordination with LAPD, is providing the POST racial profiling training to LAPD officers.

Anti-Discrimination Training has been incorporated into all core in-service schools and the Continuing Education Delivery Plan (CDEP) Modules. The September 2002 CDEP module incorporated non-discrimination issues.

30-day IAG school includes anti-discrimination related training.

Pedestrian and motor vehicle stop data collection training included discussion anti-discrimination policy.

Decree ¶103

Decree Language:

"103. LAPD officers may not use race, color, ethnicity, or national origin (to any extent or degree) in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or group. When LAPD officers are seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, or national origin, they may rely in part on race, color, ethnicity, or national origin only in combination with other appropriate identifying factors and may not give race, color, ethnicity or national origin undue weight."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section LAPD Manual Sections 1/110.20, 1/115.01, 1/115.40, 1/120. 1/120.10, 1/210.13, 1/240.05, 1/508, and 1/522; Department Legal Bulletins dated March 1995 and January 1996; Special Order 23, "*Policy Prohibiting Racial Profiling*," approved by the Commission August 8, 2001.

Activities:

See paragraph 102.

Audit

See paragraph 102.

Training

See paragraph 102.

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Decree ¶104

Decree Language:

"104. By November 1, 2001, the Department shall require LAPD officers to complete a written or electronic report each time an officer conducts a motor vehicle stop.

a. The report shall include the following:

(i) the officer's serial number;

(ii) date and approximate time of the stop;

(iii) reporting district where the stop occurred;

(iv) driver's apparent race, ethnicity, or national origin;

(v) driver's gender and apparent age;

(vi) reason for the stop, to include check boxes for (1) suspected moving violation of the vehicle code; (2) suspected violation of the Penal or Health and Safety Codes; (3) suspected violation of a City ordinance; (4) Departmental briefing (including crime broadcast/crime bulletin/roll call briefing); (5) suspected equipment/registration violation; (6) call for service; and (7) other (with a brief text field);

(vii) whether the driver was required to exit the vehicle;

(viii) whether a pat-down/frisk was conducted;

(ix) action taken, to include check boxes for warning, citation, arrest, completion of a field interview card, with appropriate identification number for the citation or arrest report; and

(x) whether the driver was asked to submit to a consensual search of person, vehicle, or belongings, and whether permission was granted or denied.

b. Information described in (iv), (v), (viii), (ix) and (x) of the preceding subparagraph shall be collected for each passenger required to exit the vehicle.

c. If a warrantless search is conducted, the report shall include check boxes for the following:

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(i) search authority, to include: (1) consent; (2) incident to an arrest; (3) parole/probation; (4) visible contraband; (5) odor of contraband; (6) incident to pat-down/frisk; (7) impound inventory; and (8) other (with a brief text field);

(ii) what was searched, to include: (1) vehicle; (2) person; and (3) container, and

(iii) what was discovered/seized, to include: (1) weapons; (2) drugs; (3) alcohol; (4) money; (5) other contraband; (6) other evidence of a crime; and (7) nothing."

PROGRESS/STATUS SUMMARY

Due Date: November 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Special Order 23, "*Policy Prohibiting Racial Profiling*," approved by the Commission August 8, 2001; Special Order 35, "*Data Collection for Motor Vehicle and Pedestrian Stops*," approved by the Police Commission October 30, 2001; Chief of Police Notice "*Correction of Returned Field Data Reports and General Batching Instructions*" Dated June 18, 2002, and Special Order No. 25 "*Data Collection for Motor Vehicle or Pedestrian Stops – Revised*" Dated September 24, 2002.

Activities:

As previously reported to the Court, pedestrian and motor vehicle stop data collection was initiated November 1, 2001, using paper forms. The volume of forms being collected is consistent with the volume anticipated by LAPD, based upon citation and field interview card volumes. Overall, from July 1, 2002 to November 30, 2002, a total of 275,993 stop data forms were completed by officers and the data collected is available in an electronic format. This includes 206,478 forms for motor vehicle stops, 8,651 for passengers requested to exit a vehicle during a motor vehicle stop, and 60,864 for pedestrian stops. The logical error rate for the data is only 1.3%.

A contract for paper form scanning and data extraction services was executed on November 19, 2001, with U.S. Data Source. Scanning of pedestrian and motor vehicle stop forms began

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January 11, 2002. The contractor experienced substantial difficulties in scanning, and although pedestrian and motor vehicle stop form scanning and data extraction rates improved over time, the backlog of forms continued to grow. There is an approximately 180,000 form backlog in scanning for the data collection period of November 1, 2001 through June 30, 2002. Therefore, data for that period is not electronically available. The U.S. Data Source contract expired on December 31, 2002. The City is working with U.S. Data Source to obtain forms in their possession, as well as identify the approximately 180,000 forms that were not successfully captured electronically. The LAPD is preparing a report on its recommendations with regarding to the backlog of forms for the November 2001 to June 2002 period. The report is anticipated to be completed in February.

On July 16, 2002, the Council and the Police Commission acted to approve a contract with Scantron Corporation for pedestrian and traffic stop form scanning and data extraction. The contract was executed on July 19, 2002. The contract provides the services necessary to ensure a three day turn-around time for data extraction from stop forms collected by LAPD, with the ability to process up to 4,000 forms a day. The contract includes a pricing incentive to better ensure timely contractor performance. Scantron required approximately 20 working days to develop and verify the scanning and data extraction processes with the City prior to initiation of daily processing of forms. Scantron began picking pedestrian and motor vehicle stop forms on a daily basis on August 19, 2002. Scantron has returned electronic data and processed forms within 4-days consistently.

The LAPD continues to track the number of forms collected by the LAPD, number of forms collected by the Contractor, number of electronic records returned by the Contractor, and number of records entered into the STOPS database. The LAPD completed audits of accuracy of the data scanned by U.S. Data Source and Scantron and similar ad hoc audits will be performed on an on-going basis. These efforts will assist in expeditious identification of problems and assist in timely resolution of such issues.

The LAPD has undertaken substantial efforts to reduce officer error rates on pedestrian and motor vehicle stop forms (Field Data Reports (FDR) or stop forms). These efforts include development and publishing LAPD training bulletin, videotape, Chief of Police Notices, and workgroup meetings. In addition, the LAPD Management Services Division (MSD) conducts

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weekly audits of two to four Divisions to ensure accuracy and completeness of Field Data Reports and that errors are being expeditiously corrected in the STOP application. Due to these efforts, Field Data Reports completed after March 11, 2002, have experienced significantly lower error rate.

In addition, the LAPD developed and continues to improve the STOP program. The STOP system includes a logic program which identifies logic errors in stop data and flags incorrect forms for correction by LAPD officers. This not only serves to reduce form error rates, but provides real time training to officers regarding form errors

Regular meetings are conducted with ITD, ITA, and MSD to review progress and enhancements of the STOP program. Chief Legislative Analyst Office staff, Mayor Office staff, and contractor staff attend these weekly meeting as appropriate.

As reported to the Court previously, an RFP was released for automated collection of pedestrian and motor vehicle stop data on October 23, 2001. The RFP process was terminated in December, as a majority of the proposals received by the City did not comply with the City's standard contracting and RFP procedures. A revised RFP was released on May 20, 2002. A pre-proposal conference was held June 5, 2002. Proposals in response to the automated data collection RFP were due July 17, 2002. Eleven proposals were received. The proposals are currently in the interview process.

The LAPD has initiated a review of descent categories used on the FDR forms, and other LAPD systems. The descent categories on the FDR form are consistent with the mandatory crime and reporting categories. However, these categories are not consistently used across all LAPD systems, such as the use force system, vehicle pursuit system, etc. The decent categories are being reviewed in light of the data collected to date and in coordination with the efforts of the TEAMS II Development Program to ensure consistency between LAPD systems (see paragraph 39). It is anticipated that this effort will be completed concurrent with automated data collection system development. Correlating changes would be made over time to other LAPD systems, as TEAMS II Development activities progress.

In addition, paper forms will be need to revised. FDR form revisions are also anticipated to include additional modifications to assist in minimizing officer errors and to reduce per form

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processing costs. Timing of FDR form revisions will be coordinated with the tasks of the outside data analyses methodology contractor (see paragraph 102) and the transition to electronic data collection to the maximum extent practicable to minimize costs and training resource needs.

The Resource Guide on Racial Profiling Data Collection Systems (Resource Guide) developed by Northeastern University for the U.S. Department of Justice (DOJ) recommends a "test period for any data collection program." The test period is intended to provide jurisdictions the opportunity to review data collected over a 3-6 month period and modify data collection elements and procedures as necessary and appropriate. The Consent Decree Workgroup is planning to embark upon a review similar to that discussed in the Resource Guide. The review is intended to re-evaluate the appropriateness of data elements and associated values, the consistency of data, and any associated data collection training issues. The Consent Decree Workgroup's review is intended to be integrated with the stop form revision process discussed above. In completing the review, the Consent Decree Workgroup will communicate with state agencies involved in the potential standardization of stop data collection programs statewide to ensure compliance with any such standards as appropriate and to ensure compliance with LAPD Consent Decree paragraphs104 and 105.

<u>Audit</u>

Random ad-hoc audits are conducted by the Department Commander and Chief Duty Officer of area watch commanders and field officers regarding their knowledge and use of the STOP program.

MDS weekly audit of audits of two to four Divisions.

Audit to review the accuracy of the scanned data.

Integrity Audits (see paragraph 97).

The Independent Monitor's review of paragraphs 104 and 105 in Sept.2002 found non-compliance with paragraph 104 and 105 due to the outstanding 185,000 FDR forms. The Independent Monitor is anticipated to review compliance with paragraphs 104 and 105 in the Independent Monitor's February 15, 2003 report.

<u>Training</u>

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Training Coordinators were trained by Training Division to train the divisions on the proper use of the STOP application program in the LAN system.

On March 15, 2002, in a Captain III Meeting with the Chief of Police the importance of the Field Data Capture program, the error rate, FDR Coordinator, and the STOP program were discussed.

On March 21, 2002, a mandatory meeting with all divisional training coordinators to discuss the most common errors on the FDR and batching was held.

From March to April 2002 MSD staff attended Supervisor and/or Crime Control meetings at divisions and talked about common errors and use of the STOP application program.

In May 2002, a training video was distributed which described in detail the STOP application program, completion of the FDR, and common errors when completing the FDR.

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Decree ¶105

Decree Language:

"105. By November 1, 2001, the Department shall require LAPD officers to complete a written or electronic report each time an officer conducts a pedestrian stop.

a. The report shall include the following:

(I) the officer's serial number;

(ii) date and approximate time of the stop;

(iii) reporting district when the stop occurred;

(iv) person's apparent race, ethnicity, or national origin;

(v) person's gender and apparent age;

(vi) reason for the stop, to include check boxes for (1) suspected violation of the Penal Code; (2) suspected violation of the Health and Safety Code; (3) suspected violation of the Municipal Code; (4) suspected violation of the Vehicle Code; (5) Departmental briefing (including crime broadcast/crime bulletin/roll call briefing); (6) suspect flight; (7) consensual (which need only be checked if there is a citation, arrest, completion of a field interview card, search or seizure (other than searches or seizures incident to arrest) or patdown/frisk); (8) call for service; or (9) other (with brief text field);

(vi) whether a pat-down/frisk was conducted;

(viii) action taken, to include check boxes for (1) warning; (2) citation; (3) arrest; and (4) completion of a field interview card, with appropriate identification number for the citation or arrest report; and

(ix) whether the person was asked to submit to a consensual search of their person or belongings, and whether permission was granted or denied.

b. If a warrantless search is conducted, the report shall include check boxes for the following:

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(I) search authority, to include: (1) consent; (2) incident to as an arrest; (3) parole/probation; (4) visible contraband, (5) odor of contraband; (6) incident to a pat-down/frisk; and (7) other (with a brief text field);

(ii) what was searched, to include: (1) vehicle; (2) person; and (3) container, and

(iii) what was discovered/seized, to include: (1) weapons; (2) drugs; (3) alcohol; (4) money; (5) other contraband; (6) other evidence of a crime; and (7) nothing.

c. In preparing the form of the reports required by paragraphs 104 and 105, the Department may use "check off" type boxes to facilitate completion of such reports. In documenting motor vehicle and pedestrian stops as required by these paragraphs, the Department may create new forms or modify existing forms."

PROGRESS/STATUS SUMMARY

Due Date: November 1, 2001

Primary Compliance Status: Compliance

Policy/Procedure: See paragraph 104

Activities:

See paragraph 104

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Decree ¶106

Decree Language:

"106. The LAPD has developed and shall continue to implement a protocol that includes the following requirements for managing and supervising all LAPD units that are primarily responsible for monitoring or reducing gang activity, including the Special Enforcement Units:

a. Each unit shall be assigned to an Area or Bureau, and shall be managed and controlled by the Area or Bureau command staff where it is assigned. The Bureau gang coordinators and the citywide gang coordinator (the Detective Support Division Commanding Officer) coordinate the Bureau-wide and citywide activities of these units, provide training and technical assistance, and are involved in coordinating and providing information for the audits of these units.

b. Eligibility criteria for selection of a non-supervisory officer in these units shall include that officers have completed probation, have acquired a minimum number of years as a police officer in the LAPD, and have demonstrated proficiency in a variety of law enforcement activities, interpersonal and administrative skills, cultural and community sensitivity, and a commitment to police integrity. Without the prior written approval of the Chief of Police, a non-supervisory officer shall not be reassigned to a unit until 13 LAPD Deployment Periods have elapsed since their previous assignment in these units.

c. Eligibility criteria for selection as a supervisor in these units shall include that supervisors have one year experience as a patrol supervisor, have been wheeled from their probationary Area of assignment, and have demonstrated outstanding leadership, supervisory, and administrative skills. In addition, without the prior written approval of the Chief of Police, an individual shall not be selected as a supervisor is these units until I3 LAPD Deployment Periods have elapsed since the individual's previous assignment in these units as officer or supervisor.

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d. Supervisors and non-supervisory officers is these units shall have limited tour assignment to these units, for a period not to exceed 39 LAPD Deployment Periods. An extension of such assignment for up to three LAPD Deployment Periods may be granted upon the written approval of the Bureau commanding officer. Any longer extension shall be permitted upon written approval of the Chief of Police.

e. Unit supervisors and non-supervisory officers shall continue to: (i) be subject to existing procedures for uniformed patrol officers regarding detention, transportation, arrest, processing and booking of arrestees and other persons; (ii) wear Class A or Class C uniforms (and may not wear clothing with unauthorized insignias identifying them as working at a particular unit); (iii) use marked police vehicles for all activities; (iv) check out and return all field equipment from the Area kit room on a daily basis; (v) attend scheduled patrol roll calls; (vi) base all unit activities out of the concerned Area station; and (vii) not use off-site locations at night other than LAPD primary area stations for holding arrestees (including interviews) or interviewing witnesses; provided, however, that the foregoing does not apply to interviews at the scene of a crime, interviews in connection with a canvass of a scene, or when the witness requests to be interviewed at a different location. Any exceptions from these requirements shall require the approval of the appropriate managers, and shall be for a specified, limited period of time.

Exceptions to the requirements set forth in subparagraphs (ii) and (iii) shall be in writing.

f. A unit supervisor shall provide a daily field presence and maintain an active role is unit operations. Unit supervisors shall brief the Area watch commander regularly regarding the activities of their unit, and shall coordinate unit activities with other Area supervisors.

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g. Area managers shall be responsible for ensuring that supervisors exercise proper control over these units, and for providing oversight over planned tactical operations.

h. Each Bureau gang coordinator shall be responsible for monitoring and assessing the operation of all units in the Bureau that address gang activity. The coordinator shall personally inspect and audit at least one Area unit each month, and shall submit copies of completed audits to the pertinent Bureau and Area. OHB Detective Support Division Command office, and the LAPD Audit Unit created in paragraph 124 below. The coordinator may use bureau staff to conduct such audits who themselves serve in a Bureau or Area gang-activity unit and are deployed in the field to monitor or reduce gang activity.

The provisions of this paragraph do not apply to the Detective Support Division's gang unit whose primary, gang-related responsibility is to provide administrative support."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Partial Compliance/Paragraphs 8 and 184

Policy/Procedure: Administrative Order No. 3, June 2000, "*Activation of the Special Enforcement Unit*," amended on December 7, 2001.

Activities:

A relatively high number of officers are due for transition out of Special Enforcement Units (SEU) in the summer of 2003. This has the potential to impact SEU officer experience levels and training needs. The Police Commission approved a SEU staffing plan on September 3, 2002. The plan includes consideration of the flexibility provided in Consent Decree paragraph 106(d), which provides for the extension of SEU tours of assignment by the Chief of Police. The LAPD is in the process of developing an appropriate process to ensure all applicable provisions of Consent Decree paragraph 106 and 107 are addressed as the Chief of Police considers individual SEU officer term of

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duty extensions. Paragraph 106(d) has been identified as a meet and confer item. Finalization of the Order implementing paragraph 106(d) is important to the SEU tour extension process.

The LAPD eligibility criteria for selection of a SEU non-supervisory and supervisory officers, consistent with the requirements of paragraph 106, are in place. As the SEU staffing plan is implemented, care will taken to ensure officers new to SEU conform to the eligibility requirements.

The March 29, 2002 Special Enforcement Unit (SEU) Work Product Audit reviewed 240 SEU related Arrest, Booking, and Charging (ABC) reports. The audit revealed the following deficiencies: 1) did not have a copy of the Booking Approval Form attached; 2) were approved by supervisors who printed rather than signed their names; 3) had a similarity in the writing of the supervisor approving the report and the arresting officer signing the report; 5) did not elaborate on the extent of a search, which yielded narcotics; and 6) did not adequately articulate the legal basis for the arrest. These deficiencies are similar to those identified in the December 27, 2001, and June 14, 2001, ABC audit findings for other LAPD operations.

Of substantial concern are the Independent Monitor's findings regarding inadequate supervisory oversight of SEUs. The Independent Monitor has indicated that a significant amount of the time SEU supervisors are not on-duty when gang units are deployed. In addition, in those instances when SEU supervisors are on-duty, the Independent Monitor indicates that they spend a limited amount of time in the field.

Current information indicates that the SEU procedures pertaining to SEU informant usage are being adhered to.

Bureau Coordinators began submitting monthly audits, conducted pursuant to paragraph 106(h), to the Detective Support Division in July, 2001. Detective Support Division began forwarding the audits to the Audit Division in February 2002. The monthly audits review various SEU operations, including supervision. However, concerns regarding the quality of the audits have been raised. Although these monthly audits are not expected to be of the same quality as department wide audits, the quality needs to be improved. The LAPD continues to work to improve the monthly audits (see also paragraph 131).

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The LAPD is in the process of organizational restructuring activities to better address gang related issues. To ensure appropriate SEU risk management type procedures are implemented with such restructuring, LAPD developed recommendations to address compliance issues identified. The recommendations were considered by the Police Commission on January 7, 2003 and the City Council Public Safety Committee on January 13, 2003. The City will continue to monitor compliance with the SEU provisions of the Consent Decree. The Audit Division will be performing SEU work product audits to further assist the City in monitoring SEU compliance activities (see also paragraph 131).

Written approval by the Chief of Police for exceptions to the existing procedures regarding SEU assignments (paragraph 106 (b-d)) have been identified as meet and confer items. Written approval from the Bureau Commanding Officer is currently required for such exemptions. The LAPD has prepared a draft order to assist with the meet and confer process and to expedite implementation of the provisions of paragraph 106 identified above should they turn out to be the result of the meet and confer process. The draft order naturally would be subject to modification should the meet and confer process lead to different resolutions.

<u>Audits</u>

Monthly Bureau Coordinator audits.

March 29, 2002 Special Enforcement Unit (SEU) Work Product Audit, conducted pursuant to paragraph 131, identified deficiencies. Remedies were implemented. Supervisor oversight concern is being investigated.

SEU Work Product audits are currently scheduled for Audit Division for the third and fourth quarters (Jan.-June) of FY 02-03.

Audit of SEU eligibility criteria by DSD is currently planned for the third quarter (Jan.-March) of FY 02-03.

The Independent Monitor reviewed compliance with the provision of paragraph 106 in September 2002 and found compliance for paragraph 106(d) and (e)(ii, iii, v, vi, and vii) and non-compliance for 106 (a0c), (e)(i and iv), and (f-h). The Independent Monitor is anticipated to report on compliance with the provisions of paragraph 106 in the February 15, 2003 report.

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Training

In June 2002, Detective Support Division provided detailed direction to all Bureau Coordinators regarding the content of audits and will provide audit training to assist them in this regard. Bureau directors were provided materials prepared by Audit Division regarding general audits and controls.

Decree ¶107

Decree Language:

"107. In addition to the requirements set forth in the preceding paragraph, the LAPD shall implement the following requirements, which shall be applicable to all LAPD units that are covered by the preceding Paragraph.

a. The eligibility criteria for selection of an officer in these units shall require a positive evaluation of the officer based upon the officer's relevant and appropriate TEAMS II record. Supervisors shall be required to document in writing their consideration of any sustained Complaint Form 1.28 investigation, adverse judicial finding, or discipline for use of excessive force, a false arrest or charge, an improper search and seizure, sexual harassment, discrimination, or dishonesty in determining whether an officer shall be selected for the unit.

b. The procedures for the selection of supervisors and non-supervisory officers in these units shall include a formal, written application process, oral interview(s), and the use of TEAMS II and annual performance evaluations to assist in evaluating the application.

c. Without limiting -any other personnel authority available to the Department, during a supervisor's or non-supervisory officer's assignment tour in these units, a sustained complaint or adverse judicial finding for use of excessive force, a false arrest or charge, an unreasonable search or seizure, sexual harassment, discrimination, or dishonesty, shall result in the officer's supervisor reviewing the incident and making a written determination as to whether the subject officer should remain in the unit."

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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Partial Compliance

Compliance Action: Administrative Order No. 3, June 2000; Department Gang Coordinator Notice, "*Interim Special Enforcement Unit Selection Procedures*," published October 15, 2001

Activities:

The LAPD eligibility criteria for selection of a SEU non-supervisory and supervisory officers, and the selection process, consistent with the requirements of paragraph 107, are in place. As the SEU staffing plan is implemented, care will taken to ensure officers new to SEU conform to the eligibility requirements.

TEAMS 1.5, designed to provide greater access to TEAMS I information making it easier for supervisors to review employee TEAMS I records as appropriate, is now operational in all 18 geographical Areas (see paragraph 39).

Paragraphs 107(a) and (c) have been identified as meet and confer items (see also paragraph 51(d)). The LAPD has prepared a draft order to assist with the meet and confer process and to expedite implementation of the provisions of paragraph 107 identified above should they turn out to be the result of the meet and confer process. The draft order naturally would be subject to modification should the meet and confer process lead to different resolutions.

The Independent Monitor reviewed compliance with the provisions of paragraph 107 in September 2002 and found non-compliance for 107(b) and not yet required for 107(a) and (c). The City disagrees with some of the monitoring techniques employed in the Independent Monitor's compliance assessment. The Independent Monitor determined compliance based upon "missing" annual performance evaluations and TEAMS I records. Consent Decree paragraphs 51 and 54 which govern annual performance evaluations and review of TEAMS I records have been identified as meet and confer items and therefore are not yet in effect. Therefore determination of paragraph 107 compliance based upon such requirements is premature.

DSD is schedule to perform and audit of eligibility criteria as it pertains to paragraphs 106 and 107 in the third quarter (Jan.-March) of FY 02-03. The DSD audit will provide better quantification for compliance with this provision. Pending the audit results the City is making a partial compliance determination.

Audit

Audit of SEU eligibility criteria by DSD is currently planned for the third quarter (Jan.-March) of FY 02-03.

The Independent Monitor reviewed compliance with the provisions of paragraph 107 in September 2002 and found non-compliance for 107(b) and not yet required for 107(a) and (c).

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V. CONFIDENTIAL INFORMANTS

Decree ¶108

Decree Language:

"108. The LAPD has developed and shall continue to implement procedures for the handling of informants. The procedures include and LAPD shall continue to require the following:

a The use of informants by LAPD personnel is limited to those non-uniformed personnel assigned to investigative units, such as Area Detective, Narcotics Division, and Specialized Detective Divisions. Personnel in uniform assignments shall not maintain or use informants.

b. An officer desiring to utilize an individual as an informant shall identify that person by completing an informant control package.

c. The officer shall submit that package to his or her chain-of-command supervisor for review and approval by the appropriate manager prior to utilizing that individual as an informant, which review shall be for completeness and compliance with LAPD procedures.

d. Each informant shall be assigned a Confidential Informant (CI) number.

e. The commanding offices shall be responsible for ensuring that informant control packages are stored in a secure location that provides for restricted access and sign-out approval by the officer in charge or watch commander. There shall be a written record including each accessing officer's name and date of access in the informant control package.

f. Informant control packages shall not be retained beyond end of watch without approval of the officer in charge or watch commander.

g. Whenever information is supplied by an informant whom the investigating officer has not used as a source within the past three months, the officer shall check

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the Department-wide undesirable informant file and update the individual's informant control package prior to acting on such information.

h. Investigating officers shall be required to confer with a supervisor prior to meeting with an informant; document all meetings, significant contacts, and information received from an informant in the informant control package; inform their supervisor of any contact with an informant; and admonish the informant that he or she shall not violate any laws in the gathering of information.

i. Supervisors shall be required to meet with each confidential informant at least once prior to the information control package being submitted to the commanding officer. The quality of supervisors' oversight with respect to adherence to LAPD guidelines and procedure regarding informant use by officers under his or her command and such supervisors' own adherence thereto, shall be factors in such supervisor's annual personnel performance evaluation.

j. Whenever an officer takes action based on information supplied by an informant, the officer shall document the information supplied, and the results of the investigation, in the individual's informant control package."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Partial Compliance/ Paragraphs 8 and 184

Policy/Procedure: Operational Order No. 1, "*Use of Informants by Department Personnel*," January 14, 2000; Special Order No. 6, 2002, "*Use of Informants and Activation of the Informant Manual*," approved by the Police Commission February 26, 2002; "*Confidential Informant Manual*," approved by the Police Commission February 26, 2002

Activities:

As previously reported to the Court, several deficiencies regarding confidential informant files have been identified. Significant improvements have been made in the Narcotics Division confidential

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file maintenance procedures, however in other LAPD divisions previously identified issues have not been fully remedied.

In July 2002, personnel from Criminal Intelligence Group and the Consent Decree Task Force met with Independent Monitor staff to discuss deficiencies noted by the Independent Monitor in their review of informant packages. This communication provided the LAPD with a clear perspective of the problems with the informant files and monitoring methodology be employed by the Independent Monitor.

In September 2002, following the release of the Independent Monitor's 4th Quarterly Status Report, the Commanding Officer, Narcotics Division, provided training to all Bureau coordinators on informant file maintenance. The findings of the Monitor's audit were disseminated and training on the correct documentation procedures was provided

On September 13, 2002, Criminal Intelligence Group completed an audit of Confidential Informant files. The audit identified continued deficiencies. On October 8, 2002, the Police Commission directed the LAPD Audit Division to complete a confidential informant file audit. The confidential informant audit is planned for completion in the third quarter (January-March) of FY 02-03. The LAPD has developed and continues to revise sample confidential informant files for training purposes. The Confidential Informant Manual may require some clarifications to ensure full and complete compliance with the various confidential informant requirements.

The second sentence of Paragraph 108(i), regarding supervisor's performance evaluation considering supervisor's oversight and adherence to confidential informant procedures, has been identified as a meet and confer item. A review of the LAPD Employee Evaluation Guide has been initiated and will include consideration of the provision 108(i) (see paragraph 54). To assist with the meet and confer process and to expedite implementation of paragraph 108 (I) should it turn out to be the result of the meet and confer process, the LAPD had developed a draft. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

<u>Audits</u>

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On September 13, 2002, Criminal Intelligence Group completed an audit of Confidential Informant files. The audit identified continued deficiencies.

Current review of all active confidential informants files for compliance.

Confidential informant files are scheduled to be audited the third quarter (Jan.-March) of FY 02-03.

The Independent Monitor reviewed compliance with paragraph 108 in June 2002 and found non-compliance.

Training

Training on Confidential Informant Packages has been incorporated into the following Department schools: Basic Detective School and Detective Supervisory School.

Curriculum for the Gang School, Vice School and Narcotics School is currently being developed and, once completed, will be implemented.

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Decree ¶109

Decree Language:

"109. The LAPD shall establish a permanent Department-wide confidential database or listing of all LAPD confidential informants except those listed by the Anti-Terrorist Division and those used in conjunction with another agency, containing the following information: Confidential Informant number, name, aliases, and date of birth."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Special Order 28, "*Confidential Informant Tracking System*," approved by the Police Commission September 25, 2001

Activities:

The Administrative Order implementing the Confidential Informant database and associated procedures was distributed September 17, 2001. Once the database was being utilized, database functionality constraints and additional functionality needs were identified.

The LAPD Information Technology Division (ITD) has now the completed several requested confidential informant database modifications. The system is now fully operational. The data base is audited monthly by the LAPD to ensure completeness and accuracy of data. In addition, a data base for management of undesirable confidential informant information has been implemented.

The Independent Monitor reviewed compliance with paragraph 109 in June 2002 and identified some discrepancies between confidential informant files and active informant information contained in the confidential informant database. Confidential informant file and database information has now been reconciled.

Audit

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Database review for consistency with Confidential Informant Files.

Confidential informant files are scheduled to be audited the third quarter (Jan.-March) of FY 02-03.

The Independent Monitor reviewed compliance with paragraph 109 in June 2002 and found non-compliance. The Independent Monitor is anticipated to review compliance with paragraph 109 in the February 15, 2003 report.

Training

Training regarding file processing to ensure appropriate data entry into the confidential informant system.

See paragraph 108.

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Decree ¶110

Decree Language:

"110. Within six months of the effective date of this Agreement, the LAPD shall publish a confidential informant manual which further expands and defines the procedures for identifying and utilizing informants, and which will include all of the requirements set out in paragraphs 108 and 109."

PROGRESS/STATUS SUMMARY

Due Date: December 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Special Order No. 6, 2002, "*Use of Informants and Activation of the Informant Manual*," approved by the Police Commission February 26, 2002; "*Confidential Informant Manual*," approved by the Police Commission February 26, 2002

Activities:

The City did not meet the December 15, 2001, compliance date for publishing of a Confidential Informant Manual. The Public Safety Committee of the City Council received regular updates on the development of the manual, after the December 15, 2001, Consent Decree implementation deadline was passed. The Confidential Informant Manual was approval by the Police Commission on February 26, 2002. The Manual was subsequently published and distributed.

As discussed in paragraph 108, the Confidential Informant Manual may require some clarifications to ensure full and complete compliance with the various confidential informant requirements of paragraph 108.

The Independent Monitor's review of paragraphs 110 in June 2002 found non-compliance with paragraph 110 due to lack of training. The Independent Monitor is anticipated to review compliance with paragraphs 102 and 103 in the Independent Monitor's February 15, 2003 report. Training regarding confidential informant requirements are addressed via paragraph 108.

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

Decree ¶111

Decree Language:

"111. Within one year of the effective date of this Agreement, the Department shall: (a) conduct an in-depth evaluation of successful programs in other law enforcement agencies across the United States dealing with police contacts with persons who may be mentally ill; and (b) conduct an in-depth evaluation of LAPD training, policies, and procedures for dealing with persons who may be mentally ill, including detailed reviews of at least ten incidents since January 1,1999 in which a person who appeared to be mentally ill was the subject of a Categorical Use of Force and at least 15 incidents since January 1,1999 is which the LAPD mental health evaluation unit was contacted."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2002

Current Compliance Status: Compliance

Policy/Procedure: Chief Of Police Correspondence, "*Consent Decree Mental Illness Project Recommendations*," July 3, 2002.

Activities:

Although not required by the Consent Decree, the City decided to engaged outside professional services to assist in the evaluation of other law enforcement programs and LAPD policies and procedures for dealing with persons who may be mentally ill required by paragraph 111. The Contract with Lodestar was executed December 10, 2001, with work on the project initiated on December 11, 2001. The five law enforcement programs reviewed as part of the study were San Diego, California; Memphis, Tennessee; Seattle, Washington; New York, New York; and Portland, Oregon.

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The Contractor submitted three interim reports that were reviewed and commented upon by LAPD: 1) Interim Report on Calls, Incidents and Tracking Systems, February 28, 2002; LAPD comments provided March 14, 2002; 2) Interim Report on the Evaluation of Successful Practices in Other Law Enforcement Agencies, March 15, 2002; LAPD comments provided on March 29, 2002, and; 3) Interim Report on the Evaluation of Current LAPD Training, Policies and Procedures, March 29, 2002; LAPD comments provided on April 11, 2002. Meetings were held with the Contractor to discuss the LAPD's comments. City, Independent Monitor, and DOJ representatives were provided copies of the interim reports and participated in those meetings.

A draft comprehensive report, combining the information contained in the three interim reports and including recommendations, was submitted by the Contractor for LAPD review on April 18, 2002. LAPD provided comments on that report on May 13, 2002. The draft report was provided to the Independent Monitor and DOJ. A meeting with the Contractor to discuss the LAPD's comments was held May 4, 2002. Again, City, Independent Monitor, and DOJ representatives participated in that meeting. A final report was submitted by the Contractor to LAPD on May 28, 2002.

The LAPD evaluated the Lodestar report and recommendations, within the context of existing LAPD programs, current and on-going LAPD efforts, previous experience, long-term sustainability, and the ability to implement. Based upon that review, the Chief of Police provided "*Consent Decree Mental Illness Project Recommendations*," to the Police Commission on July 15, 2002, consistent with the requirements of Consent Decree paragraph 112. The major recommendations made by LAPD included expansion of the existing SMART program, implementation of a new Crisis Intervention Team (CIT), centralization of review of all use of force incidents involving potentially mentally ill persons, and enhancements to computer systems for tracking purposes. Subsequent reports and information were generated pursuant to requests from the Police Commission (see paragraph 112).

The LAPD initiated a pilot program, Crisis Intervention Team (CIT), for first responders to better deal with people who may mentally ill in June 2001. That program was maintained during the mental illness program review required pursuant to paragraph 111. The CIT pilot program was

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expanded to four Bureaus by the Police Commission in November 2002 (see paragraph 112). Training of CIT officers for the pilot program is anticipated to be completed in early February.

The Independent Monitor's review of paragraphs 111 in June 2002 found compliance with paragraph 111.

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Decree ¶112

Decree Language:

"112. Within 13 months of the effective date of this Agreement, the LAPD, based upon its analysis required by the preceding paragraph, shall prepare a report for the Police Commission detailing the results of its analysis and recommending appropriate changes in policies, procedures, and training methods regarding police contact with the persons who may be mentally ill with the goal of de-escalating the potential for violent encounters with mentally ill persons. The recommendation shall include a proposal on potential methods for tracking calls and incidents dealing with persons who may appear to be mentally ill. The Police Commission shall forward its reports and actions regarding any appropriate new or modifications to existing policies, practices, or training methods regarding police contact with persons who may be mentally ill to the City Council and Mayor."

PROGRESS/STATUS SUMMARY

Due Date: July 15, 2002

Current Compliance Status: Compliance/In-progress

Policy/Action: Chief Of Police Correspondence, "*Consent Decree Mental Illness Project Recommendations*," July 3, 2002.

Activities:

The Chief of Police provided "*Consent Decree Mental Illness Project Recommendations*," dated July 12, 2002, to the Police Commission on July 15, 2002, consistent with the requirements of Consent Decree paragraph 112. On July 29, 2002 the Department of Justice (DOJ) sent a letter to the City citing concerns with those recommendations stating that it did not fulfill the requirements specified in paragraphs 111 and 112. Pursuant to the concerns expressed by the DOJ, the Police Commission requested additional information from the LAPD. On September 24, 2002 the Consent Decree Mental Illness Project - Supplemental Report was completed and subsequently submitted to the Police Commission on September 30, 2002. On September 26, 2002 the Summary of

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Department Response to Lodestar Recommendations/Consent Decree Mental Illness Project was completed and subsequently submitted to the Police Commission October 2, 2002.

On October 7, 2002 the Consent Decree Mental Illness Project - Revised Supplemental Report and the Revised Summary of Department Response to Lodestar Recommendations were completed. On October 8, the Police Commission approved the July 12th and October 7th reports.

On October 24, 2002 the DOJ sent a letter to the City stating that it had received the Supplemental Report dated October 7, 2002. The letter stated that the Supplemental Report addressed some but not all of the concerns identified in the July 29 letter. On October 24, 2002 the Consent Decree Mental Illness Project - 2nd Supplemental Report was completed. On November 2, 2002 the Police Commission approved the report. On November 6, 2002 the Consent Decree Mental Illness Project - 3rd Supplemental Report was completed. On November 19, 2002 the Police Commission approved the report.

The Police Commission submitted the mental illness program recommendations to City Council pursuant to the Consent Decree. Several of the recommendations require funding, which require City Council and Mayor approval prior to implementation.

The initial implementation costs of the Police Commission's recommendations is approximately $2 million, with substantial on-going maintenance costs. The City Council has directed the Chief Legislative Analyst (CLA) and the Chief Administrative Officer (CAO) to prepare a report on the Police Commissions recommendations and funding sources as appropriate. It is anticipated that the CLA/CAO report will be submitted for City Council consideration in February 2003.

The Independent Monitor's review of paragraphs 112 in June 2002 indicates substantial progress has been made. However, a compliance determination was withheld pending resolution of DOJ's concerns.

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Decree ¶113

Decree Language:

"113. Within one year of the date of receipt by the Police Commission of the report required in the preceding paragraph, but in no case more than 32 months after the effective date of this Agreement, the Department shall complete an audit to evaluate LAPD handling of calls and incidents over the previous one year period involving persons who appear to be mentally ill. The audit and evaluation shall include any new policies, procedures and training methods implemented pursuant to the preceding Paragraph and shall specify any additional modifications necessary in the Department's policies, procedures or training to meet the objectives specified in the preceding paragraph."

PROGRESS/STATUS SUMMARY

Due Date: February 15, 2004

Current Compliance Status: Pending

Compliance Action: Pending completion of paragraph 112 review

Activities:

Compliance with paragraph 113 is contingent upon completion of the evaluation required pursuant to paragraph 111 and the review required by paragraph 112.

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VII. TRAINING

A. *FTO Program*

Decree ¶114

Decree Language:

"114. The Department shall continue to implement formal eligibility criteria for Field Training Officers ("FTO"). The criteria require, *inter alia*, demonstrated analytical skills, demonstrated interpersonal and communication skills, cultural and community sensitivity, diversity, and commitment to police integrity. The criteria shall be expanded to require a positive evaluation of the officer based upon the officer's TEAMS II record. Managers shall comply with paragraphs 47(g) or 51, as appropriate, in selecting officers to serve as FTOs."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Partial Compliance/Paragraphs 8 and 184

Policy/Procedure: Employee Selection Manual (Pages 3-5, 7-9); Department Manual Section 3/763; Police Officer III, Field Training Officer Task List, October 1999, Employee Opportunity and Development Division; Police Officer III Eligibility Requirements, Personnel Group, March 1, 2002; Police Officer III Examination, June 8, 2002.

Activities:

The provisions of paragraph 114, with the exceptions of the use of TEAMS II and compliance with paragraph 51, are existing LAPD practices.

Personnel Group published and distributed the Police Officer III Examination Announcement, Bibliography, and the 2002 Police Officer III Eligibility Requirements on March 1, 2002. A Police Officer III examination was conducted on June 8, 2002. Between May 23, 2002 and November 8, 2002, there were 90 upgrades to Police Officer III. FTO positions are a sub-classification of the Police Officer III rank. Police Office III eligibility criteria conform to the eligibility criteria

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established in paragraph 114. Compliance with such eligibility criteria are again evaluated during the FTO selection review process.

The Monitor found non-compliance with Paragraph 114 in September 2002. This finding was based on a review of 23 Field Training Officer Selection Packages for the period of January through June 2002. The Monitor was critical of the documentation in the selection packages and was unable to determine if selections were being made based on criteria stated in Paragraph 114.

A Department directive is being prepared to provide direction and clarification regarding the FTO selection process and FTO selection criteria. This clarification will include direction regarding appropriate documentation for compliance with the provisions of paragraph 114. criteria outlined in this paragraph.

Paragraph 51 has been identified as a meet and confer item and therefore the provision of paragraph 114 which refers to paragraph 51 has been identified as a meet and confer item (see paragraphs 51 and 184). To assist with the meet and confer process and to expedite implementation of the provision of paragraph 114 identified above should it turn out to be the result of the meet and confer process, the LAPD had developed a draft form to assist Department managers in the review and consideration of personnel assignments. The draft form naturally would be subject to modification should the meet and confer process lead to different resolutions.

TEAMS 1.5, designed to provide greater access to TEAMS I information making it easier for supervisors to review employee TEAMS I records as appropriate, is now operational in all 18 geographical Areas (see paragraph 39). The RMIS and its protocols for use under development and will include the provisions of paragraph 114 (see paragraph 47).

<u>Audits</u>

Continuing Education Division Quarterly Reports on adherence to selection criteria.

The Monitor found non-compliance with Paragraph 114 in September 2002.

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Decree ¶115

Decree Language:

"115. Without limiting any other personnel authority available to the Department, FTOs may be removed during their tenure for acts or behaviors that would disqualify the officer from selection as an FTO."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/763.55, 3/763.60, and 3/763.65

Activities:

LAPD Manual Section 3/763.55, 3/763.60, and 3/763.65 provide for assignment of an advanced pay grade to a lower grade. Potential revision of that procedure is currently under consideration.

The LAPD has the ability to remove FTO's due to sustained misconduct allegations, as appropriate.

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Decree ¶116

Decree Language:

"116. The LAPD shall continue to implement a plan to ensure that FTOs receive adequate training, including training to be an instructor and training in LAPD policies and procedures, to enable them to carry out their duties. FTOs' annual personnel performance evaluations shall include their competency in successfully completing and implementing their FTO training. The LAPD shall provide regular and periodic re-training on these topics."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: FTO Training Manual; LAPD Employee Evaluation Guide; Human Resources Bureau Notice, "*Attendance at Field Training Officer Update School*," approved by the Commission June 21, 2001; Human Resources Bureau Notice, "*Revised Guidelines For Deployment and Training of Probationary Police Officers*," approved by the Police Commission, June 26, 2001.

Activities:

The 40 hour Basic Field Training Officer School conducted by the LAPD meets the provisions of paragraph 116 and is certified by the California Commission on Peace Officer Standards and Training (POST). The Department has 852 authorized FTO positions, which is a sub-classification of the Police Officer III rank assigned to geographic areas (1,331). A run of Police Officers III assigned to Geographic Areas revealed that 1,207 (92%) have attended FTO School.

In April, 2001 a 3-day FTO update school was planned by LAPD to specifically addresses legal issue updates, ethical decision-making, adult learning concepts and teaching skills, and probationary officer training and evaluation. With re-training planned biannually. On January 2, 2002, the California Commission on Peace Officers Standards and Practices (POST) determined that the Department Continuing Education Development Program (CEDP) fulfills 16 of the 24 State

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mandated FTO Update hours. The planned FTO Update Course was subsequently revised from a 3-day course to the 16-hour CDEP plus an 8-hour FTO update.

From July 1, 2001 to December 2002, 98% of the Police Officer III rank assigned to geographic areas have attended CEDP-1 (8-hours) and 94% has attended CDEP-2 (8-hours). The remaining 8-hour FTO update is scheduled to begin in February 2002. It is uncertain whether training will be completed prior to the two year anniversary of July 1, 2003. Therefore, the City is making a finding on partial compliance at this time.

The LAPD Employee Evaluation Guide provided procedures for evaluating employee performance consistent with paragraph 116. Review of the LAPD Employee Evaluation Guide has been initiated and will re-affirm the evaluation provisions included in paragraph 166 (see also paragraph 54).

Audit

The Independent Monitor's review of paragraph 116 in September 2002 found non-compliance for paragraph 116, based on the 8-hour FTO training still pending and the quality of the training program.

Training

Field Training Officer Basic School (40 hrs)

Continuing Education Delivery Plan (CEDP)

FTO Update School (8 hrs)

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B. *Training Content*

Decree ¶117

Decree Language:

"117. The LAPD shall continue to provide all LAPD recruits, officers, supervisors and managers with regular and periodic training on police integrity. Such training shall include and address, *inter alia*:

a the duty to report misconduct and facts relevant to such misconduct;

b. what constitutes retaliation for reporting misconduct, the prohibition against retaliation for reporting misconduct and the protections available to officers from retaliation;

c. cultural diversity, which shall include training on interactions with persons of different races, ethnicities, religious groups, sexual orientations, persons of the opposite sex, and persons with disabilities, and also community policing;

d. the roll of accurately completing written reports in assuring police integrity, and the proper completion of such reports;

e. Fourth Amendment and other constitutional requirements, and the policy requirements set forth in paragraphs 102-103, governing police actions in conducting stops, searches, seizures, making arrests and using force; and

f. examples of ethical dilemmas faced by LAPD officers and, where practicable given the location, type, and duration of the training, interactive exercises for resolving ethical dilemmas shall be utilized."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001/July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Employee Evaluation Guide; Human Resources Bureau Notice, "*Revised Guidelines For Deployment and Training of Probationary Police Officers*," approved by the Police

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Commission, June 26, 2001; Human Resources Bureau Notice, "*Department Course Content Revisions*," approved by the Police Commission July 24, 2001.

Activities:

A Department Training Plan and Matrix was prepared by the Director of Police Training and Education, Training Group, dated February 11, 2002, to assist in ensuring all Consent Decree training requirements were being met. The training mandates of Paragraph 117 have been incorporated into the eight "core" Department schools: Recruit Training, Field Training Officer School, Basic Detective School, Detective Supervisor School, Watch Commander School, Supervisor Development School, Command Development School and CEDP. The placement of the training elements is detailed in the Department Training Plan Matrix prepared by the Director of Police Training and Education, Training Group.

The following training was provided from July 1 to December 31, 2002:

Basic Supervisory School - 76

Watch Commander School - 66

Command Development Program - 57

Basic Detective School - 114

Detective Supervisor - 51

FTO School - 95

CEDP (all modules) - 10,403

LAPD training curriculum is certified by POST and reviewed regularly for content and quality.

In March 2003, RAND Corporation will provide the LAPD with a draft final report regarding LAPD to training programs (see paragraph 133). The RAND study will serve as the basis for the redesign and delivery of LAPD training. In the interim, the LAPD continues to review all Consent Decree training mandates. New curriculum and lesson plans will be developed as appropriate.

The Independent Monitor reviewed paragraph 117 in September 2002 and found non-compliance. The non-compliance finding was based upon an assessment of the quality of the

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curriculum and lack of an internal auditing process. While the City does not disagree that improvement to LAPD's training program can be made, the training currently delivered is adequate and consistent with POST standards. The LAPD is in the process of auditing LAPD training programs (see paragraph 133) and curriculum is reviewed on an on-going basis.

Audit

All in-service school curriculums are being reviewed.

The training audit pursuant to paragraph 133 has been initiated.

The Independent Monitor reviewed paragraph 117 in September 2002 and found non-compliance.

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Decree ¶118

Decree Language:

"118. The Department shall train all members of the public scheduled to serve on the Board of Rights in police practices and procedures."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Hearing Examiner Training/Training Manual approved by Police Commission July 31, 2001

Activities:

Training regarding police practices and procedures was conducted July 25, 2002, for public members appointed as hearing examiners to serve on the Boards of Rights. New appointees are trained as appropriate. Additional training for Hearing Examiners is provided on an annual basis, as well as on an as needed basis as significant issues arise or new Board members are appointed.

The Independent Monitor reviewed paragraph 118 in September 2002 and found non-compliance. The non-compliance finding was based upon the Independent Monitor's concern that the civilian Board members will rely too heavily on the sworn Board examiners due to limited training in the area of tactics and LAPD policy. While the City does not disagree that improvement to the Board of Rights hearing examiners training program can be made, the training currently delivered is adequate for the audience. The experience and background of the hearing examiners was considered in development of the training program.

The Police Commission is planning to provide a more formal process for hearing examiners to provide feed back on training and its content.

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Decree ¶119

Decree Language:

"119. The City may establish a plan to annually provide tuition reimbursement for continuing education for a reasonable number of officers in subjects relevant to this Agreement, including subjects which will promote police integrity and professionalism. Such educational programs shall be attended while officers are off-duty."

PROGRESS/STATUS SUMMARY

Due Date: None

Current Compliance Status: Compliance

Policy/Procedure: Human Resources Bureau Notice, "Tuition Reimbursement Program," approved by the Police Commission October 9, 2001

Activities:

A tuition reimbursement program for courses related to job responsibilities was implemented beginning July 1, 2001. During the 3rd Quarter 2002, the Department received 207 tuition reimbursement requests, 78 of which were approved. The approved requests amounted to $30,237 which was expended from the Revolving Training Fund. For the period of January-September 2002, the Department has expended $167,715 on approved tuition reimbursement requests.

The Independent Monitor review paragraph 119 in March 2002 and found compliance.

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Decree ¶120

Decree Language:

"120. The LAPD shall establish procedures for supervisors and officers of the LAPD to communicate to the LAPD Training Group any suggestions they may have for improving the standardized training provided to LAPD officers, and to make written referrals to the appropriate LAPD official regarding suggestions about LAPD policies or tactics."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: LAPD Manual Section 3/750; Human Resources Bureau (HRB) Notice, "*Training Suggestion Program*," approved by the Police Commission July 10, 2001.

Activities:

During the third quarter of 2002 Continuing Education Division received one suggestion via the Employee Suggestion Program format. This suggestion was not related to Department training.

The Training Suggestion Program was reiterated in the Source Document Training.

Audits

CED Quarterly Status Reports

The Independent Monitor reviewed paragraph 120 in June 202 and found compliance. Review of this provision is anticipated to be included in the Independent Monitor February 15, 2003 report.

Training

The Training Suggestion Program was reiterated in the Source Document Training.

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C. *Supervisor Training*

Decree ¶121

Decree Language:

"121. The LAPD shall provide all officers promoted to supervisory positions, up to and including the rank of Captain, with training to perform the duties and responsibilities of such positions. Such LAPD officers and supervisors shall be provided with such training before they assume their new supervisory positions, except for those officers promoted to the rank of Captain, who shall have at least commenced their Command Development training before they assume their new positions."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: Human Resources Bureau Notice, June 22, 2001, "*Attendance at Basic Supervisor School, Watch Commander School and Command Development Program-Revised*," approved by the Police Commission July 10, 2001; Administrative Order No. 1, "*Training Requirements for Detective Supervisors*"

Activities:

The LAPD continues to review methods of providing the training necessary to ensure Consent Decree compliance and to provide officers the tools necessary to efficiently perform their duties. As compliance issues arise, training needs are continually evaluated.

The following training for promoted officers was provided:

Basic Supervisory School - Between June and November 2002, 95 officers completed Basic Supervisory School prior to promotion.

Watch Commander School - 85 Sergeants and Lieutenants completed Watch Commander School prior to promotion during this same time period.

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Command Development - Between June and November 2002, 18 Captains completed and 20 candidates have started Command Development Training. Due to an extenuating circumstances one candidate did not commence training prior to promotion. Interim training was provided to this candidate until the next Command Development session began in September 2002. This individual is one of the 20 candidates in the current Command Development Training program. This group will be attending the fourth session of the training in January 2003.

Detective Supervisor School - Between July 2001 and November 2002, 130 detectives were upgraded to either Detective II or Detective III. One has since been downgraded and 116 have attended Peace Officer Standards and Training (POST) certified 80-hour supervisory course. All the Detectives III have attended the training. The Detectives II will be scheduled to attend the Detective Supervisory class, February 24 through March 7, 2003. Additionally, 5 Detectives II who were upgraded prior to the Consent Decree will also attend the February class.

As previously reported, training for upgrade positions (e.g. Detective I to Detective II) pose unique issues, as these upgrades are not subject to established promotional eligibility lists, which provide an advanced opportunity to identify staff for training. Therefore, the LAPD established a policy that such upgraded individuals cannot perform supervisory functions until training has occurred. Of the nineteen Detective Supervisors (Detective II) still requiring training, fourteen were upgraded since July 2002. As indicated above, these Detective supervisors are schedule for the February 24, 2003 Detective Supervisor School. The LAPD continues to strive to reduce the lag time currently experienced between Detective upgrade and training.

The Independent reviewed paragraph 121 in March 2002 and found non-compliance.

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Decree ¶122

Decree Language:

"122. The LAPD shall provide regular and periodic supervisory training on reviewing the reports addressed in this Agreement, incident control, and ethical decision making."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Human Resources Bureau Notice, "*Attendance at Basic Supervisor School, Watch Commander School and Command Development Program-Revised*," approved by the Police Commission July 10, 2001; Human Resources Bureau Notice, "*Department Course Content Revisions*," approved by the Police Commission July 24, 2001; Human Resources Bureau Notice, "*Administrative Investigation Training Requirements-Revised*" approved by the Police Commission September 18, 2001

Activities:

Training regarding reviewing reports, incidents control, and ethical decision-making are contained within the curriculum of LAPD's Watch Commander, Basic Supervisor, and Detective Supervisor Schools (see also paragraph 117). Periodic training on these topics is accomplished through quarterly supervisor training update classes developed by the Continuing Education Division. A Department Training Plan and Matrix was prepared by the Director of Police Training and Education, Training Group, dated February 11, 2002, to assist in ensuring all Consent Decree training requirements were being met.

In November 2002, Continuing Education Division personnel initiated the use of a software program that will allow them to merge the Department Personnel Roster with Training Management System information. Staff members of CED are in the process of analyzing the information and creating a database to monitor training attendance of the specified courses. It is anticipated that this

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database will be complete in spring 2003, thus allowing CED to provide detailed monthly reports regarding training program attendance and focus training on specific officers.

As of November 2002, 750 of 783 assigned Field Supervisors had attended update training (CEDP3) and 707 of 783 attended CEDP 4. This equates to a compliance rate of 93% of this population within a 14 month training cycle. These Modules addressed tactical communications, use of force, Emergency Vehicle Operations, Arrest and Control, and Taser Techniques.

As of November 2002, 942 of 997 assigned Detective Supervisors had attended CEDP 3 and 901 of 997 attended CEDP 4. This equates to a compliance rate of 92% of this population within a 14 month training cycle.

With a 5-month training period remaining in FY 02-03, the City anticipates achieving a 95% compliance rate for periodic and regular training pursuant to paragraph 122.

IAG training update sessions took place on March 5 and June 27, 2002. The curriculum included ethical standards, use of force reporting, risk management concerns, criminal referrals, and contemporary investigative errors.

The Independent Monitor reviewed compliance with paragraph 122 in September 2002 and found non-compliance due to only 75% of required staff being trained. As indicated above, the regular and period standard is based upon a two year training cycle. The City anticipates achieving the 95% compliance rate for periodic and regular training pursuant to paragraph 122 by June 2003 (the two year anniversary of the Consent Decree).

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Decree ¶123

Decree Language:

"123. The LAPD shall ensure that any supervisor who performs, or is expected to perform administrative investigations, including chain of command investigations of uses of force and complaints, receives training on conducting such investigations."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Human Resources Bureau Notice, "*Attendance at Basic Supervisor School, Watch Commander School and Command Development Program-Revised*," approved by the Police Commission July 10, 2001; Human Resources Bureau Notice, "*Department Course Content Revisions*," approved by the Police Commission July 24, 2001; Human Resources Bureau Notice, "*Administrative Investigation Training Requirements-Revised*" approved by the Police Commission September 18, 2001

Activities:

Training regarding administrative investigations (also see paragraphs 55, 80, 81, and 100) are contained within the curriculum of LAPD's Watch Commander, Basic Supervisor, and Detective Supervisor Schools. The curriculum has been enhanced to further highlight the investigative procedures consistent with the Consent Decree. Periodic training on these topics will be accomplished through quarterly supervisor training update classes developed by the Continuing Education Division (see also paragraph 122). A Department Training Plan and Matrix was prepared by the Director of Police Training and Education, Training Group, dated February 11, 2002, to assist n ensure all Consent Decree training requirements were being met.

Between July and October 2002, 42 supervisors transferred into Internal Affairs Group and 35 went on loan. All either had prior administrative investigation training or attended the three-day IAG school.

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During that same time period, six Detective Supervisors transferred into CIID. Categorical Use of Force Investigators received their training from Department supervisory schools.

The Basic Supervisory course has been revised to incorporate Detectives II and III. It is anticipated that the new course will start in February 2003.

Chain of Command personnel receive training on administrative investigations from Department Supervisor schools and through the Continuing Education Delivery Plan (CEDP) Modules, which are conducted quarterly.

The Independent Monitor reviewed paragraph 123 in September 2002 and found non-compliance. The non-compliance finding was based upon the Independent Monitor's finding that the training did not properly educate on the different categories of complaints and elements of a violation. While the City does not disagree that improvement to training program can be made, the training currently delivered is adequate. The LAPD is in the process of auditing LAPD training programs (see paragraph 133) and curriculum is reviewed on an on-going basis.

To address the issues raised by the Independent Monitor regarding current training curricula, in January 2003, CED will review all training curricula and make the any necessary modifications to address the concerns identified. The CED staff will invite the Independent Monitor staff to participate in that effort

See also paragraphs 80 and 81.

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VII. INTEGRITY AUDITS

Decree ¶124

Decree Language:

"124. By June 1, 2001, and prior to the beginning of each fiscal year thereafter, the Chief of Police shall submit to the Police Commission, with a copy to the Inspector General, a listing of all scheduled audits of the LAPD to be conducted by the LAPD in the upcoming fiscal year, other than sting audits (the "Annual Audit Plan"). The Annual Audit Plan shall include all specified audits required to be conducted by the LAPD, and any other audits required by this Agreement, including the audits required by paragraphs 111,113,133 and 134. The Police Commission shall review this Annual Audit Plan, and following consultation with the Chief of Police, shall make appropriate modifications, and approve it. The Chief of Police shall report to the Commission quarterly, with a copy to the Inspector General, on the status of audits listed in the Annual Audit Plan, including any significant results of such audits conducted by the LAPD ("Quarterly Audit Report"). The Department shall create and continue to have an audit unit within the office of the Chief of Police (the "Audit Unit") with centralized responsibility for developing the Annual Audit Plan; coordinating and scheduling audits contemplated by the annual Audit Plan and ensuring timely completion of audits, and conducting audits as directed by the Chief of Police. The Audit Unit shall be established effective July 1, 2001, in connection with the adoption of the City's 2001-2002 Budget, with positions to be filled as quickly as reasonably possible in accordance with applicable civil service provisions. Audits contemplated by the annual Audit Plan may be conducted by the Audit Unit or by other LAPD units, as appropriate, provided, however, that the Audit Unit shall take over responsibility for conducting those audits contemplated by paragraphs 128 and 129 once that Unit is established. The Audit Unit shall serve as a resource to other LAPD units in the conduct of audits and shall also periodically assess the quality of audits performed by other LAPD units. In the event the LAPD desires to amend the Annual Audit Plan, it may do so in the Quarterly Audit Report; provided, however, that the Annual Audit Plan shall include the specified audits to be conducted by the LAPD. Each audit conducted by the Department shall be documented in a report that provides the audit's methodology, data sources, analysis of the data and conclusions."

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PROGRESS/STATUS SUMMARY

Due Date: June 1, 2001/July 1, 2001/ annually thereafter with quarterly reports

Current Compliance Status: Partial Compliance

Policy/Procedure: Special Order 16, "*Audit Division Established*," approved by Police Commission July 31, 2001; FY 01-02 Audit Plan, adopted by the Police Commission June 5, 2002; FY 02-03 Audit Plan adopted by the Police Commission on July 16, 2002

Activities:

The LAPD presents quarterly up-dates regarding planned audits and completed audits to the Police Commission.

The Annual Audit Plan for FY 02/03 was submitted to the Police Commission on June 26, 2002 and was approved by the Police Commission on July 16, 2002. In the Independent monitor's September 2002 review of the Annual Audit Plan, certain deficiencies were noted. These deficiencies have been corrected by the LAPD in the Third Quarterly audit plan update submitted to the Police Commission. The Police Commission considered the quarterly update at its January 29, 2003 meeting and continued the item pending additional information.

As previously reported to the Court, the LAPD Audit Unit was first initiated in the summer of 2001. The first audits undertaken by the LAPD were completed June 1, 2001, prior to entry of the Consent Decree and deployment of full auditing resources. The LAPD hired a contractor to assist in auditing methodology development, including sample size determinations. The LAPD auditing methodology continues to be improved over time.

Audit Division staff attended audit training classes in February and April 2002. Additional modifications to auditing procedures were made in response to that training.

As previously reported, the City investigated methods of expeditiously hiring staff or contracting with firms with auditing expertise. It was decided that hiring staff would be most beneficial, as expertise would be maintained "in-house" and the benefits of training efforts would be maximized. The new civilian audit personnel would be partnered with sworn personnel to integrate police practices expertise with auditing expertise. Of the 48 Audit Division positions authorized 36

have been filled. Training of LAPD audit staff is on-going and includes training provided by the Institute of Internal Auditors.

The LAPD Audit Unit was first initiated in the summer of 2001. The first audits undertaken by the LAPD were completed June 1, 2001, prior to entry of the Consent Decree and deployment of full auditing resources. The LAPD auditing methodology has continued to be improved over time. In its three most recent audits the Audit Division has achieved the audit quality standards essential to the fundamental review of on-going LAPD operations. Having established a process to ensure quality audits, the Audit Division is now working to ensure that the required quantity of audits is maintained on an on-going basis.

The Independent Monitor's September 2002 review of the July 8, 2002 Search Warrant Applications and Supporting Affidavits Audit in compliance with the requirements of the Consent Decree.

Although additional improvements in the LAPD Audit Division are necessary, it must be recognized that the audits conducted to date have identified deficiencies in LAPD procedures and processes, resulting in actions being taken to address those deficiencies. Therefore, the benefits and importance of the Audit Division has been established and realized to a certain degree. LAPD continues to strive to improve Audit Division operations and performance.

Training

In February, 2002, "Tools and Techniques for the Beginning Auditor' training was provided by the Institute of Internal Auditors, Inc.

In April 2002, " Audit Reports in the Public Sector and Interviewing Skills," training was provided by the Institute of Internal Auditors, Inc.

On May 23, 2002, Reasonable Suspicion/Probable Cause training was provided by the LAPD Legal Training Unit.

During FY 01-02 Audit Division provided audit related training to 562 personnel in various Department entities.

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Decree ¶125

Decree Language:

"125. Prior to July 1, 2001, the LAPD shall conduct the following audits:

a. a stratified random sample of warrant applications and affidavits used to support warrant applications, consistent with paragraph 128;

b. a stratified random sample of arrest, booking, and charging reports; consistent with paragraph 128;

c. a stratified random sample of confidential informant control packages, consistent with paragraph 128; and

d. the work product of all LAPD units covered by paragraph 106 consistent with paragraph 131."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Special Order 16, "*Audit Division Established*," approved by Police Commission July 31, 2001.

Activities:

A search warrant application audit (paragraph 125 (a)) was completed on June 21, 2001, and submitted to the Police Commission on June 29, 2001. The Inspector General reported to the Police Commission regarding review of the audit on August 2, 2001 and October 26, 2001. The Commission approved the audit on November 13, 2001.

An audit of arrest and booking reports (paragraph 125(b)) was completed on June 14, 2001, and submitted to the Police Commission on June 29, 2001. The Inspector General reported to the Police Commission regarding review of the audit on August 2, 2001 and October 26, 2001. The Commission approved the audit on November 13, 2001.

An audit of confidential informant packages (paragraph 125(c)) was completed on June 21, 2001, and submitted to the Police Commission on June 29, 2001. The Inspector General reported to

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the Police Commission regarding review of the audit on August 2, 2001 and October 26, 2001. The Commission approved the audit on November 13, 2001.

Consistent with the requirements of paragraph 131, an audit of Special Enforcement Units (paragraph 125(d)) was completed on June 22, 2001, and submitted to the Police Commission on June 29, 2001. The Inspector General reported to the Police Commission regarding review of the audit on August 2, 2001 and October 26, 2001. The Commission approved the audit on November 13, 2001.

Regular and periodic audits of the various activities covered by paragraph 125 will be undertaken pursuant to paragraphs 128 and 131.

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Decree ¶126

Decree Language:

"126. By November 1, 2001, the LAPD shall conduct an audit of a stratified random sample of all use of force reports consistent with paragraph 128."

PROGRESS/STATUS SUMMARY

Due Date: November 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Special Order 16, "*Audit Division Established*," approved by Police Commission July 31, 2001.

Activities:

An audit of non-categorical use office investigations was completed on October 29, 2001, and submitted to the Commission on October 29, 2001. The Inspector General reported to the Police Commission regarding review of the audit on December 20, 2001. The Commission approved the audit on January 8, 2002.

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B. *Audits by the LAPD*

Decree ¶127

Decree Language:

"127. Sting audits shall not be reported in the Quarterly Audit Report, rather the results of all sting audits shall be reported to the Police Commission and the Inspector General by the Chief of Police within two weeks of the Chief's receipt of each sting audit report."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Special Order 22, "*Ethics Enforcement Section-Established*," approved by the Commission September 18, 2001.

Activities:

Quarterly Integrity Audit reports are approved by the Chief of Police and forwarded to the Police Commission pursuant to Paragraph 127. Reports have been forwarded to the Police Commission within the two week time frame established is paragraph 127. See paragraph 97.

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Decree ¶128

Decree Language:

"128. LAPD shall conduct regular, periodic audits of stratified random samples of 1) warrant applications and affidavits used to support warrant applications; 2) arrest, booking, and charging reports; 3) use of force reports; 4) all motor vehicle stops and pedestrian stops that are required to be documented in the manner specified in paragraphs 104 and 105; and 5) confidential informant control packages. The review of these documents shall entail, at a minimum, a review for completeness of the information contained and an authenticity review to include an examination for "canned" language, inconsistent information, lack of articulation of the legal basis for the applicable action or other indicia that the information is the document is not authentic or correct. The review shall also assess the information in the documents to determine whether the underlying action was appropriate, legal, and in conformance with LAPD procedures. To the extent possible from a review of such samples, the audit shall also evaluate the supervisory oversight of the applicable incident and any post-incident review."

PROGRESS/STATUS SUMMARY

Due Date: Per Audit Plan (see paragraph 124)

Current Compliance Status: Partial Compliance

Policy/Procedure: FY 01-02 Audit Plan, adopted by the Police Commission June 5, 2002; FY 02-03 Audit Plan adopted by the Police Commission on July 16, 2002.

Activities:

Due to the need to re-assess auditing methodology, several FY 02-03 audits have been delayed. However, a minimum auditing frequency of annual review is required for compliance with the provisions of paragraph 128 and 129. It is currently anticipated that that the Audit Division will have completed audits in conformance with paragraphs 128 and 129 at least once in fiscal year (FY) 2002-2003 (see also paragraphs 124, 129, and 131).

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In its three most recent audits the Audit Division has achieved the audit quality standards essential to the fundamental review of on-going LAPD operations. Having established a process to ensure quality audits, the Audit Division is now working to ensure that the required quantity of audits is maintained on an on-going basis. The Independent Monitor's September 2002 review of the July 8, 2002 Search Warrant Applications and Supporting Affidavits Audit in compliance with the requirements of the Consent Decree.

Audits completed as of November 2002:

Warrant Applications and Affidavits (November 26, 2002)

Arrest, Booking and Charging Reports Audit (October 23, 2002)

Audits planned for the remainder of FY 02-03 include:

Confidential Informant Files (Jan.- March 2003)

Non-Categorical Uses of Force (Jan.-March 2003) (see also paragraph 129)

Pedestrian and Traffic Stop Data (April-June 2002)

Review of SEU work product will be incorporated in these Audit Division audits as appropriate (see also paragraph 131).

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Decree ¶129

Decree Language:

I29. The LAPD shall conduct regular, periodic audits of random samples of (i) all Categorical Use of Force investigations: (ii) all Non-Categorical Use of Force investigations; and (iii) all Complaint Form 1.28 investigations. These audits shall assess:

a. the timeliness of completing the investigations, and satisfying the requirements of paragraphs 67, 69 and 87 where applicable;

b. the completeness of the investigation file, including whether the file contains all appropriate evidence and documentation, or, if evidence is missing, as explanation of why the evidence is missing;

c. a comparison of the officer, complainant, and witness statements with the investigator's summaries thereof where applicable;

d the adequacy of the investigation, including the application of the standards set forth is paragraphs 80-86; and

e. the appropriateness of IAG's determinations under paragraph 79."

PROGRESS/STATUS SUMMARY

Due Date: Per Audit Plan (see paragraph 124)

Current Compliance Status: Partial Compliance

Policy/Procedure: FY 01-02 Audit Plan, adopted by the Police Commission June 5, 2002; FY 02-03 Audit Plan adopted by the Police Commission on July 16, 2002.

Activities:

Due to the need to re-assess auditing methodology, several FY 02-03 audits have been delayed. However, a minimum auditing frequency of annual review is required for compliance with the provisions of paragraph 128 and 129. It is currently anticipated that that the Audit Division will have completed audits in conformance with paragraphs 128 and 129 at least once in fiscal year (FY) 2002-2003 (see also paragraphs 124, 129, and 131).

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In its three most recent audits the Audit Division has achieved the audit quality standards essential to the fundamental review of on-going LAPD operations. Having established a process to ensure quality audits, the Audit Division is now working to ensure that the required quantity of audits is maintained on an on-going basis.

Audits planned for FY 02-03 include:

Complaint Investigations (Jan-April, 2003)

Non-Categorical Uses of Force (Jan.-March 2003) (see also paragraph 129)

Categorical Use of Force (April-June 2003)

Review of SEU work product will be incorporated in the Audit Division non-categorical use of force audit as appropriate (see also paragraph 131).

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Decree ¶130

Decree Language:

"130. The LAPD shall annually report to the Commission, with a copy to the Inspector General, the type of complaint allegations it receives and the disposition (including sustained rate) and discipline or lack of discipline resulting from each type of allegation. This report shall include both the allegations received and any collateral misconduct discovered during the investigation. This report shall list the above information for each type of allegation as well as summarize aggregate information by geographic division (department, bureau, area, and district), officer rank and type of assignment."

PROGRESS/STATUS SUMMARY

Due Date: February 15, 2002/annually thereafter

Current Compliance Status: Compliance

Policy/Procedure: February 27, 2001, Commission Motion regarding Creation and Review of Disciplinary Reports and Disciplinary Investigations.

Activities:

The LAPD submitted the Annual Discipline Report for the year 2001 to the Police Commission on February 11, 2002. The Inspector General Review of Annual Discipline Report was submitted to the Police Commission on March 18, 2002. The Inspector General's review of the report supported the report, but indicated aggregate information by type of assignment in the future would be beneficial. This will be included in the Quarterly Discipline Reports (see paragraph 88) and the next annual report. The Annual Discipline Report was acted on by the Police Commission on April 2, 2002.

It is currently anticipated that the Annual Discipline Report for the year 2002 will be submitted to the Police Commission by February 15, 2003.

The Independent Monitor reviewed compliance with paragraph 130 in March 2002 and found compliance.

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Decree ¶131

Decree Language:

"131. The LAPD shall conduct regular periodic audits of the work product of all LAPD units covered by paragraph 106. These audits shall be conducted by OHB Detective Support Division. Each such audit shall include:

a. auditing a random sample of the work of the unit as a whole and further auditing the work of any individual officers whose work product the auditor has observed contains indicia of untruthfulness, other forms of misconduct, or otherwise merits further review;

b. assessing compliance with the selection criteria set forth in paragraphs 106 and 107;

c. an audit of the type set forth is paragraph 128;

d. auditing the use of confidential informants by such units to assess compliance with paragraph 108; .

e. auditing the roles and conduct of supervisors of these units;

f. reviewing the 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 particular supervisors in such incidents to determine whether additional investigation is needed to identify at-risk practices; and

g. the audit shall draw conclusions regarding the adherence of the unit to the law, LAPD policies and procedures, and this Agreement, and shall recommend a course of action to correct any deficiencies found."

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PROGRESS/STATUS SUMMARY

Due Date: Per Audit Plan (see paragraph 124)

Current Compliance Status: Partial Compliance

Policy/Procedure: FY 01-02 Audit Plan, adopted by the Police Commission June 5, 2002; FY 02-03 Audit Plan adopted by the Police Commission on July 9, 2002.

Activities:

The City continues to experience difficulty in complying with the provisions of Consent Decree paragraphs 106(h) and 131, which require the Detective Support Division (DSD) to complete specified audits of the Special Enforcement Units (SEU). The LAPD has developed a plan to address paragraph 131 compliance issues.

As discussed above, the LAPD Audit Division has matured over the past year and the depth and quality of their audits have improved significantly. The LAPD plans to improve DSD audit operations utilizing an approach similar to that utilized to improve Audit Division operations. The cornerstone of that plan is for DSD to focus its efforts on a limited number of audits to ensure a quality product. Once DSD audit quality improves, DSD audit operations would be expanded to produce the ultimate quantity of audits mandated by the Consent Decree.

Under the plan, initial DSD audit efforts would focus on paragraph 106(h) audits, which due to their monthly frequency are not of the same depth and high level of documentation as audits required by paragraphs 128, 129, and 131. However, these monthly reviews of SEUs are important to overall SEU operations and monitoring compliance with the provisions of Consent Decree paragraph 106. The Audit Division will assist DSD in developing the monthly audit methodology and documentation procedures. In addition, the Audit Division will review the audits and provide guidance to DSD as appropriate.

In addition, DSD, with guidance from Audit Division, will undertake two department-wide SEU audits: one regarding compliance with the selection criteria provisions of paragraphs 106 and 107, required pursuant to 131(b), and one to assess compliance with the training provision of paragraph 106(a). As the LAPD embarks upon reorganization of SEU units, compliance with these

provisions is a priority. The remaining paragraph 131 audits will be scheduled once the DSD has successfully completed the department-wide audits discussed above.

To assist in mitigating the impacts of the deferral of the remaining paragraph 131 DSD audits, the LAPD is planning for the Audit Division to undertake similar SEU audits in the interim. A minimum auditing frequency of annual review is required for compliance with the provisions of paragraph 128 and 129. It is currently anticipated that that the Audit Division will have completed audits in conformance with paragraphs 128 and 129 at least once in fiscal year (FY) 2002-2003. The LAPD is therefore planning to defer the "repeat" Department-wide arrest, booking and charging audit currently planned for FY 02-03 to FY 03-04 and instead perform audits related to SEU work product. Although this will not result in compliance with paragraph 131, such information is important to the City in evaluating compliance with the provisions of paragraph 106 and is anticipated to assist the City in minimizing SEU compliance issues as the DSD simultaneously progresses toward improving its audit capabilities. The Audit Division's first priority will remain compliance with paragraphs 128 and 129, should resources become constrained. Finally, this plan presents the unique opportunity for the City to evaluate the Independent Monitor's recommendation that the DSD audits be re-assigned to Audit Division based upon actual experience.

Although additional improvements in DSD audits are necessary, it must be recognized that the audits conducted to date have identified deficiencies in SEU work product, resulting in actions being taken to address those deficiencies and improve SEU operations. Therefore, the benefits and importance of the DSD audits has been established and realized to a certain degree.

The Independent Monitor reviewed compliance with the provisions of paragraph 131 and found non-compliance for paragraph 131(a), (c (1-2 and 4-5)) and (e-g); not yet required for 131 (b), (c(3)); and not yet examined for 131 (d).

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Decree ¶132

Decree Language:

"132. The LAPD shall require regular and periodic financial disclosures by all LAPD officers and other LAPD employees who routinely handle valuable contraband or cash. The LAPD shall periodically audit a random sample of such disclosures to ensure their accuracy. When necessary, the LAPD shall require the necessary waivers from such officers."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance/ Paragraphs 8 and 184

Policy/Procedure: Pending Meet and Confer

Activities:

Paragraph 132 has been identified as a meet and confer item. The meet and confer process for this paragraph effects both sworn and civilian bargaining units.

Due to the complexities of the provision, the LAPD Employee Relations Group (ERG) was assigned the responsibility to create the scope and objective of the Financial Disclosure process and the preliminary development of a full time LAPD entity to conduct financial integrity audits. On April 23, 2002, and May 7, 2002, the ERG briefed the Police Commission on progress with this provision. Research is still being conducted. However, the drafting of a proposal to assist with the meet and confer process and to facilitate implementation of paragraph 132, should it turn out to be the result of the meet and confer process, has been initiated. The draft proposal, once completed, naturally would be subject to modification should the meet and confer process lead to different resolutions.

A budget request for the proposed Financial Integrity Audit Unit was included in the 2002-2003 Supplemental Consent Decree Budget approved by the Police Commission on March 12, 2002. The City subsequently approved $200,000 to be set aside in the Consent Decree Implementation

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Contingency Fund account to be dispersed as needed for the development and staffing of the unit, once the scope of the unit is defined via the meet and confer process (also see paragraph 11).

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Decree ¶133

Decree Language:

"133. Within 18 months of the effective date of this Agreement, the Department shall audit police officer and supervisory officer training, using independent consultants who have substantial experience is the area of police training. The audit shall assess: ways in which LAPD training could be improved (i) to reduce incidents of excessive use of force, false arrests, and illegal searches and seizures and (ii) by making greater use of community-oriented-policing training models that take into account factors including paragraph 117(c)."

PROGRESS/STATUS SUMMARY

Due Date: December 15, 2002

Current Compliance Status: Partial Compliance

Policy/Procedure: RAND Contract Execution, July 3, 2002

Activities:

A Request for Proposal (RFP) for professional services to review LAPD training programs was released on December 18, 2001. A pre-bid conference was held on January 10, 2002. Proposals were due January 29, 2002. The City received two proposals. Interviews were held February 8, 2002. In February, the Police Commission approved the selection of RAND to perform the training audit. In late February the City Council and Mayor authorized increased funding for the RAND contract, for a total amount not to exceed $400,000.

Subsequent to selection, RAND modified the project manager for the project. This required additional review by the City. During contract negotiations, it became apparent that due to LAPD training course schedules and the time needed to complete the study, the study would not be completed by the paragraph 133, December 15, 2002, implementation date.

On May 28, 2002, the City Council authorized execution of a contract with RAND, with the most expeditious implementation schedule, while ensuring a quality product, which extended beyond the December 15, 2002, Consent Decree implementation date of paragraph 133. Also, on May 28,

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2002, Police Commissioners authorized the execution of the RAND contract, with an implementation schedule that extended beyond the paragraph 133 due date. The DOJ and Independent Monitor were notified of the impact to the paragraph 133 compliance schedule.

The RAND contract was executed on July 3, 2002, and work on the project has been initiated. The contract includes the submittal of a preliminary findings report by December 10, 2002, however the draft final report will not be submitted until March 31, 2003.

An all day meeting with the RAND expert panel was held October 14, 2002. RAND presented preliminary findings at a meeting held on December 10, 2002. The findings were general in nature. This may be attributable to the current stage of the RAND review. However, the City, as well as the Independent Monitor and the U.S. Department of Justice (DOJ), are concerned that the level of detail that will be presented in the March draft final RAND report maybe insufficient to meet City needs. The City met with RAND on January 8, 2003, to discuss the City's concerns. The City and RAND continue to work toward development of as detailed as report as feasible.

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Decree ¶134

Decree Language:

"134. Eighteen months after the effective date of this Agreement, the Department shall complete a review and audit of all uses of force resulting in skeletal fractures known to the LAPD. The audit shall review and evaluate: l) the frequency of occurrence of skeletal fractures, by officers and groups of officers, and the types of force that produced the fractures; 2) medical care provided to persons who sustain such a fracture where the medical care is provided while the person is in the custody of the Department, or provided at another time and the Department knows of the fracture: 3) the quality, thoroughness, disposition, and timeliness of the chain of command investigation and review of uses of force resulting in fractures, pursuant to paragraph 68; and 4) frequency and outcome of complaints where the complainant allegedly received such a fracture. Such audit shall analyze the circumstances giving rise to the use of force and resulting fracture, and the Department's response to such injuries. The audit shall recommend potential reforms to Department policies and procedures with the goal of minimizing and promptly treating such fractures, including the feasibility and desirability of including uses of force resulting in fractures within the definition of a Categorical Use of Force, as appropriate."

PROGRESS/STATUS SUMMARY

Due Date: December 15, 2002

Current Compliance Status: Compliance

Policy/Procedure: FY 02-03 Annual Audit Plan, adopted by the Police Commission on July 9, 2002.

Activities:

The Use of Force Skeletal Fracture audit (a one-time audit) was completed on January 13, 2003. The City provided the DOJ with a copy of the audit methodology for review and comment. The DOJ reviewed the methodology for the skeletal fracture audit and provided comments to the City. Although many items commented on by the DOJ are not required by the Consent Decree, the

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City agreed to incorporate several items requested by DOJ into the audit. Since the items were not in the original audit methodology, time was required to both develop methodology for and subsequently evaluate the items. The audit was completed one month after the Consent Decree due date, however with the completion of the audit, the City is now in compliance with the requirements of paragraph 134.

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C. *Inspector General Audits*

Decree ¶135

Decree Language:

"135. The Inspector General shall be provided with copies of all reports of specified audits prepared by the LAPD and audits prepared in compliance with paragraphs 111, 113, 125, 126, 133 and 134 within one week of the completion thereof and with copies of all sting audits as required by paragraph 127. The Inspector General shall evaluate all such audits to assess their quality, completeness and findings. Upon request from the Inspector General, the LAPD shall forward any other LAPD audit report requested to the Inspector General within one week of such request, and the Inspector General, at his or her discretion where he or she deems appropriate, or upon direction from the Commission, may evaluate these audits. The Inspector General shall deliver its evaluations in writing to the Police Commission."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002.

Activities:

The Office of the Inspector General (OIG) reviewed LAPD audits prepared in compliance with paragraphs 128, 129, and 131 and provided written evaluations of such audits to the Police Commission. See paragraphs 128, 129, and 131. All LAPD audit reports were submitted to the OIG within the one-week, consistent with the requirement of requirement of Paragraph 135. The OIG completed its review of the DSD confidential informant audit on November 14, 2002. The OIG is in the process of reviewing the October 23, 2002, Audit Division audit of arrest and booking reports.

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Two OIG audit positions remain unfilled. Interviews for those positions have been conducted, but no offers for employment have been made. With implementation of the hiring freeze (see paragraph 11) these positions will need to be reevaluated. The Consent Decree Workgroup is aware of this issue.

As previously reported, the City is experiencing difficulty in complying with the Office of the Inspector General (OIG) audit requirements. The OIG review of LAPD audits has continued to improve over time. However, additional improvements are needed. Enhancements to the OIG audit review procedures include additional training and filling two positions with personnel with auditing experience.

Although additional improvements in OIG audits reviews are necessary, it must be recognized that the OIG audit reviews conducted to date have identified deficiencies in LAPD audits, resulting in actions being taken to address those deficiencies and improve LAPD audits. Therefore, the benefits and importance of the OIG audit review process has been established and realized to a certain degree. The improvement of OIG auditing review and techniques will be a continuum over time. The OIG is in transition currently, with a new Inspector General anticipated to be selected in spring 2003. This transition may result in additional delays to full OIG audit program implementation

The Independent Monitor reviewed compliance with paragraph 135 in September 2002 and found non-compliance, indicating additional improvements in OIG reviews are required.

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Decree ¶136

Decree Language:

"136. The Inspector General shall continue to review all Categorical Use of Force investigations. The Inspector General also shall conduct a regular, periodic audit and review of a stratified random sample of: (i) all Non-Categorical Uses of Force; and (ii) Complaint Form 1.28 investigations. Both of these types of reviews shall assess the quality, completeness, and findings of the investigations and shall include determinations of whether the investigations were completed in a timely manner, summarized and transcribed statements accurately match the recorded statements, all available evidence was collected and analyzed, and the investigation was properly adjudicated. The Inspector General shall promptly report its findings from these reviews in writing to the Police Commission."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: City Charter Section 573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; Special Order No. 5, "*Policies and Authority Relative to the Inspector General*," approved by the Police Commission February 9, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002; Use of Force Review Section Staff Report on Categorical Use of Force Reports, June 15, 2001, approved by the Police Commission, February 26, 2002.

Activities:

It is the current policy and practice of the Commission that the Inspector General and the Commission review all Categorical Uses of Force consistent with requirements of paragraph 136 (see also paragraph 67 and 142). From July 1, 2002 to December 2002 48 cases were submitted to the

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OIG and Police Commission for review by the LAPD and the review for 61 cases was completed by the OIG and Police Commission.

As previously reported, the City is experiencing difficulty in complying with the Office of the Inspector General (OIG) audit requirements. The OIG review of LAPD audits has continued to improved over time. However, audit methodology development issues have resulted in substantial delays in OIG audits. The City, OIG, and LAPD are all working to remedy these audit issues. The OIG is in transition currently, with a new Inspector General anticipated to be selected in spring 2003. This transition may result in additional delays to full OIG audit program implementation.

The OIG completed a non-categorical use office audit in the quarter ending September 30, 2002. The audit is currently being reviewed by the Independent Monitor.

The OIG reviewed all LAPD misconduct complaint investigations, with the exceptions of failure to appear, failure to qualify, and preventable traffic collisions, for quality, completeness, and appropriateness of findings until November 2002. Beginning in November 2002, the OIG began transitioning to a random sample audit procedure for review complaints, pursuant to the requirements of Consent Decree paragraph 136. The OIG complaint investigation methodology is still in the development stages. The City is uncertain whether this audit will be completed within FY 02-03.

The Independent Monitor reviewed compliance with paragraph 136 in September 2002 and found non-compliance, indicating additional improvements in OIG audit are need and the continued delay in the compliant investigation audit.

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Decree ¶137

Decree Language:

" 137. The Inspector General, between 6-12 months following implementation of TEAMS II and on a regular basis thereafter, shall audit the quality and timeliness of the LAPD's use of TEAMS II to perform the tasks identified in the protocol described in paragraph 47 above."

PROGRESS/STATUS SUMMARY

Due Date: Post TEAMS II

Current Compliance Status: Pending

Policy/Procedure: Pending

Activities:

Protocols for use of TEAMS II are being developed (see paragraph 47).

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Decree ¶138

Decree Language:

"138. The Inspector General shall periodically use TEAMS II to conduct audits of the LAPD and to review LAPD unit specific and officer specific audits conducted by the LAPD. Such audits and reviews shall include procedures that:

a. examine and identify officers demonstrating at-risk behavior as determined by their history of (i) administrative investigations, (ii) misconduct complaints, (iii) discipline, (iv) uses of lethal and non-lethal force, (v) criminal or civil charges or lawsuits, (vi) searches and seizures, (vii) racial bias, (viii) improper arrests or (ix) any other matter requested by the Police Commission or, subject to Charter section 573, any other improper conduct or at-risk behavior the Inspector General has reason to believe exists;

b. examine and identify at-risk practices or procedures as determined by trends within a unit or between and among units using, at a minimum, the criteria in subsection (a) above."

PROGRESS/STATUS SUMMARY

Due Date: Post TEAMS II

Current Compliance Status: Pending

Policy/Procedure: Pending

Activities:

Protocols for use of TEAMS II are being developed (see paragraph 47).

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Decree ¶139

Decree Language:

"139. The Inspector General may receive complaints from LAPD employees alleging retaliation for reporting possible misconduct or at-risk behavior. The Inspector General shall record and track the allegations in such complaints. If the Inspector General determines that such complains indicate possible retaliation in the Police Department's handling of complaints, the Inspector General shall conduct an investigation and forward its findings to the Police Commission. The Police Commission shall work with the Inspector General to develop and implement retaliation complaint investigation protocols that will protect, to the maximum extent permitted by law, the confidentiality of the identity of the person reporting retaliation to the Inspector General.

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; "*Office of the Inspector General Retaliation Complaint Protocol*," approved by the Police Commission June 26, 2001; Special Order No. 5, "*Policies and Authority Relative to the Inspector General*," approved by the Police Commission February 9, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002.

Activities:

The Office of the Inspector General (OIG) receives complaints, reviews the facts and circumstances of the complaints and where appropriate conducts independent investigations pursuant to the policies established by the Police Commission, which are consistent with the requirements of

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paragraph 139. The OIG Consent Decree Implementation Plan includes confidentiality procedures. A summary of the complaints received by the OIG is provided in the Office of the Inspector General's monthly activity report provided to the Police Commission, which are placed upon the Commission's agenda for consideration. See also paragraphs 136 and 150.

The Independent Monitor reviewed compliance with paragraph 139 in September 2002 and found compliance.

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Decree ¶140

Decree Language:

"140. The Police Commission may identify subjects for audits and direct either the LAPD or the Inspector General to conduct such audits. The LAPD and Inspector General shall conduct such audits as directed by the Commission and shall report the audit results to the Commission within the time frames established by the Commission. Subject to Charter Section 573, the Inspector General shall continue to have the authority to initiate other audits."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; Special Order No. 5, "*Policies and Authority Relative to the Inspector General*," approved by the Police Commission February 9, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002.

Activities:

It is the current practice of the Police Commission to identify audits to be completed by the Inspector General and for the Inspector General to keep the Commission informed as to his activities and audit results. The Police Commission did not request any specific audits this reporting period.

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IX. OPERATIONS OF THE POLICE COMMISSION AND INSPECTOR GENERAL

A. *Police Commission*

Decree ¶141

Decree Language:

"141. This Agreement sets forth obligations of the Commission, Inspector General and Chief of Police; however, it in no way constrains them from exercising their powers and satisfying their duties set forth in the Charter and other applicable law."

PROGRESS/STATUS SUMMARY

Due Date: NA

No Mandate.

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Decree ¶142

Decree Language:

"142. The Commission and Inspector General shall continue to review and evaluate all Categorical Uses of Force. The Commission shall determine whether the officer's conduct conforms with LAPD policies, procedures, and the requirements of this Agreement, and so inform the Chief of Police. The Commission shall annually issue a publicly available report detailing its findings regarding these incidents."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; March 6, 2001, Commission Motion regarding Categorical Use of Force; Human Resources Bureau (HRB) Notice "*Categorical Use of Force Classifications and Investigative Responsibility*" distributed July 30, 2001 pursuant to March 6, 2001 Police Commission Motion; Use of Force Review Section process re-affirmed by the Police Commission July 17, 2001; Special Order No. 5, "*Policies and Authority Relative to the Inspector General*," approved by the Police Commission February 9, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002; Use of Force Review Section Staff Report on Categorical Use of Force Reports , June 15, 2001, approved by the Police Commission, February 26, 2002.

Activities:

The Police Commission and Inspector General continue to review Categorical Uses of Force. See also paragraphs 67 and 136.

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The Use of Force Review Section implemented a computer tracking system to monitor the statute of limitations dates and the 60-day notice period established in paragraph 67. The computer program became operational in August.

At its February 26, 2002, meeting the Police Commission approved modifications to the existing Commission policy concerning the timeline for submission of Categorical Use of Force Reports to reflect that the reports shall be provided to the Commission at least 90-days prior to the running of the statue of limitations. This is more restrictive than the Consent Decree requirement. If LAPD fails to submit such a report, the Inspector General will notify the Police Commission, ensuring a back-up monitoring of this very important requirement. In addition, although not required by the Consent Decree, the Inspector General has implemented an informal procedure to notify the Police Commission 30-days prior to the running of the statute of limitations.

During the period of July 1 through December 31, 2002, 61 Categorical Use of Force cases were submitted to the Police Commission. All cases were submitted 60 days prior to the statute of limitations date as required by paragraph 67. On average, cases were submitted to the Commission by LAPD more than 166 days prior to the running of the statute. The Inspector General reviewed Categorical Use of Force investigations and provided information to the Commission as appropriate. The Categorical Use of Force incidents were appropriately agendized by the Commission and were acted upon fell within the statue of limitations period.

The OIG issued its first annual report regarding Categorical Uses of Force incidents in May 2002, which was approved by the Commission on April 22, 2002.

The Independent Monitor reviewed compliance with paragraph 142 in September 2002 and found compliance for the Commission's provision. It is anticipated that the Independent will review compliance with the OIG's provisions in the February 15, 2003 report.

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Decree ¶143

Decree Language:

"143. The Commission shall review the specified audit reports, the sting audit reports, and the audits required by paragraphs 111, 113, 125, 126, 133, and 134 to determine whether any changes or modifications in LAPD policies are necessary. In addition, the Police Commission shall consider the results of such audits in its annual evaluation of the Chief of Police. The Police Commission shall exercise its authority to review and approve all new LAPD policies and procedures or changes to existing LAPD policies and procedures that are made to address the requirements of this Agreement. Review and approval of procedures, or changes to existing procedures that are made to address the requirements of this Agreement, by the Chief of Police (or his or her designee) affecting only procedure (and not policy) may be obtained on a ratification basis by placement of such item on the Commission agenda within 14 days of the date of the action by the Chief or designee, and the Commission must approve, disapprove, or require modification of such item within l4 days of receipt. All new policies, or changes to existing policies, must be reviewed and approved by the Commission prior to implementation."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: Review and approval of LAPD Policies and Procedures; review of LAPD Audits

Activities:

The City has continued to experience difficulty functionally complying with the provision of paragraph 143 which requires that procedures approved by the Chief of Police be placed on the Agenda within 14-days. Procedures approved by the Chief of Police and required for Consent Decree implementation have largely been adopted by the Police Commission. However, Police Commission consideration of procedures have exceed the 14-day period established by paragraph

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143 in several instances. The LAPD and the Police Commission continue to work together to enhance tracking of procedures approve by the Chief of Police related to Consent Decree implementation to ensure timely consideration by the Police Commission. Such enhancements include the development of a tracking database by the Police Commission.

The Commission has acted to approve policy changes, consistent with the provisions of paragraph 143.

The Police Commission has reviewed/considered the audits completed pursuant to paragraphs 128, 129, and 131 and the Inspector General's review of those audits. See paragraphs 128, 129, 131, and 135. The Independent Monitor notes in the report for the quarter ending September 30, 2002, that the Commission has failed to timely agendize and act on quarterly audit plan updates.

The results of audits are considered in the Chief of Police annual review (see also paragraph 144). The Independent Monitor's review of compliance with paragraph 89, identified some deficiencies in Commission documentation in this regard. The Commission is acting to remedy documentation issues as appropriate.

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Decree ¶144

Decree Language:

"144. Under the Charter, the Commission is required to conduct an annual review of the Chief of Police. Such a review is intended to be an overall assessment of the Police Chief's performance as the chief administrative officer of the LAPD, including as it relates to satisfaction of universal performance goals applicable to chief administrative officers, budgeting goals and other goals determined by the Commission. In conducting such review, the Commission shall also consider the Police Chief's responses to use of force incidents and complaints of officer misconduct, assessment and imposition of discipline and those matters described in paragraphs 67, 88, 89, 106, 124, 127, and 143."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 571 and 575(c); Revision of Chief of Police Evaluation Form, October 9, 2001

Activities:

The Police Commission, at its October 9, 2001 meeting, acted to modify the Chief of Police evaluation form to include consideration of the implementation of the Consent Decree and the Chief's responses to use of force incidents and complaints of officer misconduct, assessment and imposition of discipline and those matters described in paragraphs 67, 88, 89, 106, 124, 127, and 143. Procedures to track Police Commission assessments of Chief of Police actions required by the Consent Decree have been implemented.

The Police Commission conducted a 5- year review of the Chief of Police, pursuant to City Charter Section 575(c), part of the reappointment process, in February-April 2002.

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Decree ¶145

Decree Language:

"145. The Commission shall investigate all misconduct complaints against the Chief of Police and may use its staff, the Inspector General, or authorized contractors to conduct such investigations."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 571; Special Order 17, "*Complaint Investigation Procedures-Revised*," approved by the Commission September 18, 2001.

Activities:

It is the current practice of the Police Commission to investigate misconduct complaints lodged against the Chief of Police. See also paragraph 96.

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Decree ¶146

Decree Language:

"146. The Commission shall continue to review and approve the LAPD's budget requests."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Commission approval of LAPD budget requests.

Activities:

The Police Commission approved the FY 02-03 LAPD budget request on November 19, 2002. In addition, the Police Commission has acted on budget issues as such issues have arisen. Many times, due to the expeditious implementation schedule of the Consent Decree, LAPD budget requests are processed by the City concurrent with Commission review and approval. In such instances Council approval is subject to review and approval by the commission. Such concurrent budget request processing was undertaken specifically with regard to the purchase of digital cameras and for MSRP expenditures.

In addition, Police Commission staff participates in the Consent Decree Workgroup where Consent Decree related financial issues are discussed.

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B. *Inspector General*

Decree ¶147

Decree Language:

"147. The Inspector General shall be notified in a timely manner of all Categorical Uses of Force and be entitled to be present, at his or her discretion, as an observer on all Categorical Use of Force "roll outs". The Inspector General shall report to the Commission in the event that the Inspector General's observations at the scene of an incident raise issues regarding conformance with LAPD policies, procedures, and the requirements of this Agreement."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Department Command Post Procedures; Special Order 39, "*Critical Incident Investigation Division - Established*," approved by the Commission December 11, 2001; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; Use of Force Review Section process re-affirmed by the Police Commission July 17, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002; Use of Force Review Section Staff Report on Categorical Use of Force Reports, June 15, 2001, approved by the Police Commission, February 26, 2002; "*OIG Rollout Protocol*", approved by the Police Commission on February 5, 2002 .

Activities:

The Department Command Post is responsible for notifying appropriate entities regarding Categorical Use of Force incidents. The Inspector General has been notified of such incidents as required. See paragraph 56.

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The OIG rolled-out to approximately 17 Categorical Use of Force incidents between July 1 and December 31, 2002.

Audits

The April 12, 2002 Categorical Use of Force Process Audit for the 4th quarter 2001, conducted pursuant to Paragraph 128, found compliance with the requirements of paragraph 147.

The Inspector General conducts periodic audits to verity notification of all Categorical Use of Force incidents. Such audits have found continued compliance.

The Independent reviewed paragraph 147 in September 2002 and found compliance for paragraph 147(a). Paragraph 147(b) has not yet been evaluated.

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Decree ¶148

Decree Language:

"148. The Inspector General may attend any Use Of Force Review Board meeting. The Inspector General may interview any participant in such hearing after the conclusion of the hearing."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; Special Order No. 5, "*Policies and Authority Relative to Inspector General*," approved by the Police Commission February 9, 2001; *"Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002.

Activities:

The policies established by the Police Commission provide access to the Inspector General consistent with the provisions of paragraph 148. The OIG indicates good cooperation with LAPD regarding access to information.

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Decree ¶149

Decree Language:

"149. The LAPD shall promptly provide the Inspector General with any documents or other information requested by the Inspector General related to the Inspector General's responsibilities under this Agreement. The Inspector General shall develop and provide the LAPD with a list of reports, complete with time-frames and frequency of their production, that the LAPD shall provide to the Inspector General on a specified schedule in order for the Inspector General to fulfill his or her responsibilities under this Agreement, which list may be updated from time to time by the Inspector General."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; Special Order No. 5, "*Policies and Authority Relative to Inspector General*," approved by the Police Commission February 9, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002.

Activities:

The policies established by the Commission provide access to the Inspector General consistent with the provisions of paragraph 149. The Inspector General has provided LAPD with a list of requested audits that should be forwarded to the Inspector General upon completion by LAPD. LAPD has forwarded audit as requested by the Inspector General and as required by paragraph 149. See also paragraphs 124 and 135.

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Decree ¶150

Decree Language:

"150. The Inspector General shall accept complaints from LAPD officers regarding matters which the Inspector General has authority to investigate, and the Inspector General shall not disclose the identity of an individual without the consent of the employee from whom a complaint or information has been received, unless such disclosure is unavoidable in order to effectively investigate an allegation or is otherwise required by law or the Los Angeles Office of the City Attorney; provided, however, that the Inspector General shall disclose the identity of such individual to the Police Commission, upon request."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; Special Order No. 5, "*Policies and Authority Relative to Inspector General*," approved by the Police Commission February 9, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002.

Activities:

The Office of the Inspector General (OIG) receives complaints, reviews the facts and circumstances of the complaints and where appropriate conducts independent investigations pursuant to the policies established by the Police Commission, which are consistent with the requirements of paragraph 139. The OIG Consent Decree Implementation Plan includes confidentiality procedures. See also paragraph 139.

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Decree ¶151

Decree Language:

"151. Paragraphs 139 and 150 do not relieve officers of their obligations described in paragraphs 65, 77, 78 and 82."

PROGRESS/STATUS SUMMARY

Due Date: NA

No Mandate

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Decree ¶152

Decree Language:

"152. The LAPD shall continue to provide the Inspector General with all complaint intake information, including the assignment for investigation, within one week after its receipt by IAG. The Inspector General shall review such information to ensure that complaints are being received in a manner that complies with LAPD policies and procedures, and the terms of this Agreement."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; Special Order No. 5, "*Policies and Authority Relative to Inspector General*," approved by the Police Commission February 9, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002; Special Order 17, "*Complaint Investigation Procedures - Established*," approved by the Police Commission September 18, 2001.

Activities:

The procedure of LAPD providing the Inspector General with all complaint information and the Inspector General reviewing such information is current practice (City Charter Section 573).

The City has continued compliance with the 7-day time frame for IAG to provide complaints to the Office of the Inspector General (OIG). The OIG and LAPD track compliance with this provision monthly. LAPD has consistently complied with this provision with an approximately 98-99% compliance rate.

<u>Audit</u>

Monthly review by OIG

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Decree ¶153

Decree Language:

"153. The Inspector General shall keep the Commission informed of the status of all pending investigations and audits to be performed by the Inspector General hereunder.

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: City Charter Section 573; Los Angeles Board of Police Commissioners Policies and Authority Relative to the Inspector General, approved by the Commission November 21, 2000; Special Order No. 5, "*Policies and Authority Relative to Inspector General*," approved by the Police Commission February 9, 2001; "*Office of the Inspector General Consent Decree Implementation Plan*," approved by the Police Commission June 29, 2001; "*Revised Office of the Inspector General Consent Decree Implementation Plan*," approved by the Commission on February 5, 2002.

Activities:

The policies established by the Police Commission regarding Inspector General communication and reporting responsibilities to the Commission are current practice and have been adhered to by the Inspector General.

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C. *General*

Decree ¶154

Decree Language:

"154. Reviews, audits and reports required hereunder to be made by the Commission, the Inspector General or the Department may contain recommendations to correct deficiencies. The identification of deficiencies in such reviews, audits or reports shall not be a breach of this Agreement, rather the City, including the Department, shall take appropriate, timely and reasonable steps to remedy such deficiencies."

PROGRESS/STATUS SUMMARY

Due Date: NA

No Mandate

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X. COMMUNITY OUTREACH AND PUBLIC INFORMATION

Decree ¶155

Decree Language:

"155. For the term of this Agreement, the Department shall conduct a Community outreach and Public Information program for each LAPD geographic area. The program shall require the following:

a. at least one open meeting per quarter in each of the 18 geographic Areas for the first year of the Agreement, and one meeting in each Area annually thereafter, to inform the public about the provisions of this Agreement, and the various methods of filing a complaint against an officer. At least one week before such meetings the City shall publish notice of the meeting (i) in public areas; (ii) in at least one newspaper covering the City of Los Angeles; (iii) in one or more local community newspaper(s) that services the Area, taking into account the diversity in language and ethnicity of the area's residents; (iv) on the City and LAPD website; and (v) in the primary languages spoken by the communities located is such area.

b. the open public meetings described above shall include presentations and information on the LAPD and LAPD operations, which presentations and information are designed to enhance interaction between officers and community members in daily policing activities."

PROGRESS/STATUS SUMMARY

Due Date: September 30, 2001

Current Compliance Status: Compliance

Policy/Procedure: Administrative Order 8, "*Consent Decree Required Community Meetings*," approved by the Police Commission August 23, 2001.

Activities:

In FY 02-03, the frequency of community outreach meetings mandated by the Consent Decree decreased to once a year. LAPD initiated those meetings in January, 2003. In addition to

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the annual meeting, the LAPD held community outreach meetings in August or September in the three specific communities where meetings were held that the Independent Monitor identified as of concern (Wilshire, Van Nuys, and West Valley).

The Independent Monitor reviewed compliance with paragraph 155 in June 2002, and found compliance with paragraph 155 (I), with 155 (ii) not required at that time.

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Decree ¶156

Decree Language:

"156. The LAPD shall prepare and publish on its website semiannual public reports required by this paragraph. Such reports shall include aggregate statistics broken down by each LAPD geographic area and for the Operations Headquarters Bureau, and broken down by the race/ethnicity/national origin of the citizens involved, for arrests, information required to be maintained pursuant to paragraphs 104 and 105, and uses of force. Such reports shall include a brief description of each of the following that was completed during that period: (i) report of a specified audit completed, audits completed pursuant to paragraphs 111, 113, 125, 126, 130, 133 and 134, and any significant actions takes as a result of such audits or reports, (ii) a summary of all discipline imposed during the period reported by type of misconduct, broken down by type of discipline, bureau and rank, and (iii) any new policies or changes in policies made by the Department to address the requirements of this Agreement. Such reports shall also include the reports prepared pursuant to paragraphs 173 and 175."

PROGRESS/STATUS SUMMARY

Due Date: January 1, 2002

Current Compliance Status: Compliance

Policy/Procedure: LAPD Web Site Posting Plan, approved by the Commission on July 31, 2001.

Activities:

The City's Semi-Annual Web Site Report was posted on the LAPDOnline.org web in August 2002, as required by paragraph 156. The current report covers the period of January 1, 2002 through July 2002. Except for pedestrian and traffic stop data which was first posted on January 6, 2003 and covers the period July 1, 2002 through November 30, 2002. The delay in posting of pedestrian and motor vehicle stop data was due to difficulties with consistently obtaining data in an electronic format (see paragraphs 104 and 105).

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In addition, the City and Independent Monitor reports to the Court are posted on the web site as they are released.

The City's Semi-Annual Web Site Report will be updated by March 1, 2003, consistent with the requirements of paragraph 156. The updated report will contain information from July 1, 2002 to December 31, 2002. The pedestrian and motor vehicle stop data will be updated to include the month of December data.

The Independent reviewed compliance with paragraph 156 in September 2002 and found non-compliance due to the City's failure to post pedestrian and traffic stop data. As indicated above, such data was posted on January 6, 2003. Therefore, the City is in current compliance with the requirements of paragraph 156.

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Decree ¶157

Decree Language:

"157. The LAPD shall continue to utilize community advisory groups in each geographic Area and to meet quarterly with the community they serve. The Department shall establish a media advisory working group to facilitate information dissemination to the predominant ethnicities and cultures in Los Angeles."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Administrative Order 8, "*Consent Decree Required Community Meetings*," approved by the Police Commission August 23, 2001; Administrative Order No. 6, "*Structure and Responsibility of Community-Police Advisory Boards-Revised*" approved by the Police Commission approval August 23, 2001.

Activities:

The LAPD continues to utilize Community Police Advisory Boards in each geographic area and meets with these groups monthly.

Administrative Order 8, published July 30, 2001, established the media advisory group. The Officer In Charge, Public Affairs Section, chairs the Media Advisory Group. Membership includes the LAPD Public Information Director, Office of the Mayor, City Council representatives and Community Affairs Group. The Media Advisory Group initially met quarterly and focused its efforts on advertising and a theme for the quarterly public meeting held pursuant to paragraph 155. In FY 02-03, the frequency of community outreach meetings mandated by the Consent Decree decreased to once a year, with the first meetings planned for January 2003. Therefore, the media advisory only met once, in November, over the past six month period. With the current LAPD restructuring review and efforts, an expanded role for the media advisory group in being discussed.

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The Independent Monitor reviewed compliance with paragraph 157 in June 2002 and found compliance. The Independent Monitor is anticipated to report on compliance in the February 15, 2003 report.

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XI. INDEPENDENT MONITOR

Decree ¶158

Decree Language:

"158. By March 1, 2001, the City and the DOJ shall together select an Independent Monitor, acceptable to both, who shall monitor and report on the City's implementation of this Agreement. The selection of the Monitor shall be pursuant to a method jointly established by the DOJ and the City. If the DOJ and City are unable to agree on a Monitor or an alternative method of selection, the DOJ and the City each shall submit two names of persons to the Court who shall have the following attributes: (i) a reputation for integrity, evenhandedness, and independence; (ii) experience as a law enforcement officer, expertise in law enforcement practices, or experience as a law enforcement practices monitor, (iii) an absence of bias, including any appearance of bias, for or against the DOJ, the City, the Department, or their officers or employees; and (iv) no personal involvement, in the last eight years, whether paid or unpaid, with a claim or lawsuit against the City or the Department or any of their officers, agents or employees, unless waived by the parties. The DOJ and the City shall also submit to the Court the resumes, cost proposals, and other relevant information for such persons demonstrating the above qualifications, and the Court shall appoint the Monitor from among the names of qualified persons so submitted; provided, however, that if the Court so selects the Monitor, then the maximum sum to be paid the Monitor, including any additional persons he or she may associate pursuant to paragraph 159 (excluding reasonable costs or fees associated with non-compliance or breach of the Agreement by the City or the Department), shall not exceed $10 million, plus out-of-pocket costs for travel and incidentals, for the first five years after the effective date of this Agreement."

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PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Contract with Kroll Associates, Inc.

Activities:

The Court concurred with the City's and DOJ's selection of Michael Cherkasky as Independent Monitor on June 15, 2001. The City executed a contract with Kroll Associates, Inc. on June 26, 2001, for an amount not to exceed the amount of $11,010,000 for a five-year period. The contract was amended on September 5, 2001, to allocate funding for FY 01-02 and on and July 17, 2002, to allocate FY 02-03 funding.

The City has timely paid Kroll invoices. One slight delay in payment of an invoice was experienced. Due to similar invoice numbers the City documented both invoices as being processed. The problem has been rectified.

Decree ¶159

Decree Language:

"159. The Monitor, at any time, may associate such additional persons or entities as are reasonably necessary to perform the monitoring tasks specified by this Agreement. Any additional persons or entities associated by the Monitor shall possess the following attributes: a reputation for integrity, evenhandedness, and independence; absence of bias, including any appearance of bias for or against the DOJ, the City, the Department or the officers or employees; and no personal involvement in the last five years, whether paid or unpaid, with a claim or lawsuit against the City or the Department or any of their officers, agents or employees unless waived by the parties, which waiver shall not be unreasonably withheld. The Monitor shall notify in writing the DOJ and the City if and when such additional persons or entities are selected for association by the Monitor. The notice shall identify the person or entity to be associated and the monitoring task to be performed, and if a waiver is being requested, the notice shall indicate if the person had any such involvement in the last five years, whether paid or unpaid, with a claim or lawsuit against the City or the Department or any of their officers, agents, or employees. Either the DOJ or the City may notify in writing the Monitor within 10 days (excluding weekends, and federal or state holidays) of any objection either may have to the selection. If the parties and the Monitor are unable to resolve any such objection, and the Monitor believes that the specific person or entity in question is needed to assist the Monitor and such person or entity satisfies the qualifications and requirements in this paragraph, the Monitor may seek Court authorization to hire such person. For purposes of all paragraphs of this Agreement other than the preceding paragraph, the term Monitor shall include any and all persons or entities that the Monitor associates to perform monitoring tasks and such persons shall be subject to the same provisions applicable to the Monitor under this Agreement."

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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Review of additional Kroll staff

Activities:

Kroll has added staff over the past six-month period. The City reviews the additional staff proposed by Kroll as information is received.

Decree ¶160

Decree Language:

"160. The City shall bear all reasonable fees and costs of the Monitor. The Court retains the authority to resolve any dispute that may arise regarding the reasonableness of fees and costs charged by the Monitor. In selecting the Monitor, DOJ and the City recognize the importance of ensuring that the fees and costs borne by the City are reasonable, and accordingly fees and costs shall be one factor considered in selecting the Monitor. In the event that any dispute arises regarding the payment of the Monitor's fees and costs, the City, DOJ and the Monitor shall attempt to resolve such dispute cooperatively prior to seeking the Court's assistance."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Contract with Kroll Associates, Inc.

Activities:

The City has paid all Kroll invoices in a timely manner. See also paragraph 158.

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Decree ¶161

Decree Language:

"161. The Monitor shall be an agent of the Court and shall be subject to the supervision and orders of this Court, consistent with this Agreement. The Monitor shall only have the duties, responsibilities and authority conferred by this Agreement. The Monitor shall not, and is not intended to, replace or take over the role and duties of the Mayor, City Council, Commission, Chief of Police or the Inspector General. In order to monitor and report on the City's and the Department's implementation of each substantive provision of this Agreement, the Monitor shall conduct the reviews specified is paragraph 162 and such additional reviews as the Monitor deems appropriate. At the request of the DOJ or the City, based on the Monitor's reviews, the Monitor may make recommendations to the parties regarding measures necessary to ensure full and timely implementation of this Agreement."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶162

Decree Language:

"162. In order to monitor and report on the City and Department's implementation of this Agreement, the Monitor shall, subject to paragraph 163 and paragraphs 165 through 171:

a. between six and twelve months following implementation of TEAMS II and at least annually thereafter, conduct a review of the use of TEAMS II by the LAPD, the Inspector General, and the Police Commission and its staff;

b. regularly review and evaluate the quality and timeliness of the specified audits, sting audits, and audits conducted by LAPD or the Inspector General under paragraphs 125, 126, 133, 134, and 140; and

c. regularly review appropriate samples of (i) Categorical and Non-Categorical Use of Force investigations, adjudications and related disciplinary and non-disciplinary actions; and (ii) Complaint Form 1.28 investigations, adjudications and related disciplinary and non-disciplinary actions (focusing, in particular, on those involving alleged uses of excessive force, false arrests or improper stops, improper searches or seizures, discrimination or retaliation); and motor vehicle and pedestrian stop data collected pursuant to paragraphs 104 and 105.

In performing its obligations under this Agreement, the Monitor shall, where appropriate, utilize audits conducted by the City or Department for this purpose, and employ appropriate sampling techniques."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

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Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶163

Decree Language:

"163. The Monitor may review completed portions of administrative investigations and resulting internal proceedings while they are pending, provided, however, that in such instances the Monitor may review only those parts of such investigations and proceedings that have been completed (such as the completed use of force report, completed Use of Force Review Board Proceedings, or completed Board of Rights proceedings). If the Monitor determines that any administrative use of force or Complaint Form 1.28 investigation, which has been adjudicated or otherwise disposed or completed, is inadequate under this Agreement, the Monitor shall confer with the Commission, Chief of Police and the Inspector General, and provide a confidential written evaluation to the Department, the Inspector General, and the DOJ containing the additional measures that should be taken with respect to future investigations in order to satisfy this Agreement. Such evaluation shall be for the purpose of assisting the Commission, the Chief of Police and the Inspector General in conducting future investigations, and shall not obligate the Department to reopen or re-adjudicate any investigation."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶164

Decree Language:

"164. In monitoring the implementation of this Agreement, the Monitor shall maintain regular contact with the City, the Commission, the Chief of Police, the Inspector General as well as the DOJ."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶165

Decree Language:

"165. The Monitor shall have full and direct access to: (a) all Department employees, including the Inspector General, and all Department facilities (except facilities used solely for ATD activities) that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement; however, access to ATD personnel shall be for the sole purpose of monitoring administrative investigations, including of complaints, involving such personnel; and (b) within a reasonable time following notice to the City, or the Department (solely in the case of individual Police Commissioners) all other City officers, employees and facilities, and the individual Police Commissioners. The Monitor shall cooperate with the City and the Department to access people and facilities in a reasonable manner that, consistent with the Monitor's responsibilities, minimizes interference with daily operations."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶166

Decree Language:

"166. The Monitor shall have full and direct access to all City and Department documents, including TEAMS II data and information, that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement, except as access is limited in paragraphs 167, 168, 169,170 and 171 or as to any such documents protected by the attorney-client privilege. Should the City or the Department decline to provide the Monitor with access to a document based on attorney-client privilege, the City shall provide the Monitor and DOJ with a log describing the document."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶167

Decree Language:

"167. The Monitor shall provide the City or Department with reasonable notice of a request for copies of documents. Upon such request the City and the Department shall provide the Monitor with copies (electronic, where readily available, or hardcopy) of any documents that the Monitor is entitled to access under this Agreement, including TEAMS II information and data except for Sensitive Data. The term "Sensitive Data" shall include confidential informant files, personnel files, and other documents or data specifically designated as "Sensitive Data" in this Agreement. The City shall cooperate with the Monitor to allow access to Sensitive Data for review in a reasonable manner that is consistent with the Monitor's responsibilities and schedule. The Monitor shall treat copies of TEAMS II information and data as "non-public information" as defined in paragraph 168(a)."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶168

Decree Language:

"168. All documents provided to the Monitor, whether by the City, Department, or DOJ, shall be maintained in a confidential manner. Sensitive Data, and "non-public information" as defined in subpart (a) of this paragraph, whether obtained from the City, Department or DOJ, shall not be disclosed by the Monitor to any person or entity, other than (i) to the DOJ, (ii) to the Court either under Seal or consistent with paragraphs 169, 170 or 173 or (iii) as consistent with subpart (a) of this paragraph.

a. "Non-public information" means any information that is exempt from public disclosure or inspection under the California Public Records Act and that has not been released to a member of the public by the City or the Department or any of their officers or employees, and for which the exemption has not otherwise been waived by the City. Non-public information may be used in statistical analysis, unit analysis or other analysis that does not identify particular individuals and such analysis may be disclosed to the public solely as provided in paragraphs 173 and 174.

b. Other than as expressly provided in this Agreement, this Agreement shall not be deemed a waiver of any privilege or right the City or the Department may assert, including those recognized at common law or created by statute, rule or regulation against any other person or entity with respect to the disclosure of any document."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are

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resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶169

Decree Language:

"169. The Monitor shall have access to any City employee medical or BSS records only under the following circumstances:

a. The Monitor shall have direct access to City employee medical or BSS records, if permission for such access is granted by the applicable employee or the information from such records is otherwise contained is investigative files.

b. For any other City employee medical or BSS records reasonably necessary to carry out the duties assigned to the Monitor by this Agreement, the Monitor shall notify in writing the DOJ and the City of the need for such documents, and the City shall so notify the affected employee. Either the DOJ, the City, or the affected employee may, and the City shall if requested by the affected employee notify in writing the Monitor within ten days (excluding weekends, and federal or state holidays) of any objection they may have to such access. If the parties, the Monitor, and where applicable, the affected employee are unable to resolve any such objection and the Monitor continues to believe that the documents in question are reasonably necessary to assist the Monitor, the Monitor may seek Court authorization for access to such documents, subject to any appropriate protective orders. The City shall assert applicable defenses and privileges from disclosure and protections of such records for the City and the affected employee. Any documents obtained by this procedure shall be treated as "Sensitive Data."

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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

Decree ¶170

Decree Language:

"170. The Monitor shall have direct access to all documents in criminal investigation files that have been closed by the LAPD. The Monitor shall also have direct access to all arrest reports, warrants, and warrant applications whether or not contained in open criminal investigation files; where practicable arrest reports, warrants and warrant applications shall be obtained from sources other than open criminal investigation files.

a. The Monitor shall have access as Sensitive Data to documents prepared for and contained solely in open criminal investigations of LAPD employees reasonably necessary to monitor compliance with paragraph 67 (other than arrest reports, warrants and warrant applications, which shall be subject to the general access provisions). Except as provided in subpart (b) of this paragraph, the Monitor shall not have access to any other documents in criminal investigations files that have been open for less than ten months.

b. If the Monitor reasonably deems that access to documents contained solely in either (i) open criminal investigation files, which investigations have been open for more than ten months, or (ii) open criminal investigation files of LAPD employees, which investigations have been open for less than ten months, is necessary to carry out the duties assigned to the Monitor by this Agreement, the Monitor shall notify in writing the DOJ and the City of the need for such documents. After notification by the Monitor, either the DOJ or the City may respond in writing to the Monitor within ten days (excluding weekends, and federal or state holidays) if either have any objection to such access. If the parties and the Monitor are unable to resolve any such objection, and the Monitor continues to believe that the documents in question are reasonably necessary to assist the Monitor, the Monitor may seek Court authorization for access to such documents, subject to any appropriate protective orders. Any documents obtained by this procedure shall be treated as "Sensitive Data.""

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PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

Decree ¶171

Decree Language:

"171. The access provisions of the previous paragraphs do not apply to documents contained solely in Anti-Terrorist Division (ATD) files, or solely in intelligence files or investigative notes files or similar files of joint task forces with other law enforcement agencies."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Compliance

Policy/Procedure: Consent Decree; Contract with Kroll Associates, Inc.

Activities:

The City is generally processing Kroll requests within an approximately two week period. The City and Kroll have implemented a bi-weekly informal document request tracking communication process to ensure discrepancies between documents requested and delivered are resolved expeditiously. As access issues have arisen over the past six month period, the City and Kroll have worked together to resolve the issues in a mutually agreeable manner.

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Decree ¶172

Decree Language:

"172. The Department shall provide the Monitor with (i) copies of all reports of specifies audits, sting audits, audits or reports pursuant to paragraphs 88, 89 (including Police Commission documentation), 111, 113, 125, 126, 133, 134 and the Quarterly Audit Reports required by paragraph 124, within ten days after receipt by the Commission, and (ii) copies of the Annual Audit Plan, within ten days after approval by the Commission."

PROGRESS/STATUS SUMMARY

Due Date: July 1, 2001

Current Compliance Status: Partial Compliance

Policy/Procedure: Consent Decree

Activities:

The LAPD provided the documents listed in paragraph 172 to the Independent Monitor within the ten day requirement of this provision, with the exception of the Quarterly Audit Reports, which transmittal cannot be documented.

The following documents were provided to the Independent Monitor:

7/11/02	July 8, 2002 Audit of Informant Use by SEU personnel was provided to the Monitor. The Audit had been submitted to the Police Commission on 07-09-02.
7/30/02	Annual Audit Plan for Fiscal Year 2002/2003 was provided to the Monitor. The Audit Plan was submitted to the Police Commission on 06-26-02.
8/9/02	Discipline Report for the 2nd Quarter 2002 was provided to the Monitor. The Report had been submitted to the Police Commission on 08-09-02.

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08/19/02	Inspector General Review of the August 13, 2002 Audit of Search Warrant Applications was provided to the Monitor.
8/21/02	August 13, 2002 Audit of Search Warrant Applications was provided to the Monitor. The Audit was submitted to the Police Commission on 08-16-02.
09/10/02	Inspector General Review of the September 9, 2002 Audit of Confidential Informant Packages was provided to the Monitor.
9/13/02	September 10, 2002 Audit of Confidential Informant Packages was provided to the Monitor. The Audit was submitted to the Police Commission on 09-10-02.
9/23/02	Inspector General's review of the Discipline Report for the 2nd Quarter 2002 was provided to the Monitor.
11/04/02	October 23, 2002 Audit of Arrest, Booking and Charging Reports was provided to the Monitor. The audit was submitted to the Police Commission on 10-25-02.
11/18/02	Discipline Report for the 3rd Quarter 2002 was provided to the Monitor. The Report was submitted to the Police Commission on 11-14-02.

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XII. TERM OF AGREEMENT AND HOUSEKEEPING PROVISIONS

A. *City Reports and Records*

Decree ¶175

Decree Language:

"175. Between 90 and 120 days following entry of this Agreement and no later than every August 1st and February 1st thereafter until this Agreement is terminated, the City shall file with the Court, with a copy to the Monitor and to DOJ, a status report delineating the steps taken by the City and the Department during the reporting period to comply with each provision of this Agreement. The City shall also file such a report documenting the steps taken to comply with each provision of this Agreement during the term of this Agreement 120 days before five years from the effective date of this Agreement."

PROGRESS/STATUS SUMMARY

Due Date: October 15, 2001; Semi-annually thereafter

Current Compliance Status: Compliance

Policy/Procedure: Submittal of Status Report to the Court.

Activities:

This status report is the fourth status report on implementation of the Consent Decree submitted to the Court, consistent with the requirements of paragraph 175.

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Decree ¶176

Decree Language:

"176. During the term of this Agreement, the City and the Department shall maintain all records necessary to document its compliance with the terms of this Agreement and all documents expressly required by this Agreement. The Department shall maintain all Complaint Form 1.28 investigation files for at least ten years from the date of the incident. The City and the Department shall maintain an officer's training records during the officer's employment with the LAPD and for three years thereafter (unless required to be maintained for a longer period of applicable law)."

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedure: Record retention

Activities:

The City is maintaining records as appropriate.

The City implemented a document imaging system to more efficiently maintain and retrieve all records necessary pursuant to paragraph 176. The Police Department Consent Decree Task Force is managing the records retention effort and is currently functioning as the City Consent Decree Archive. All appropriate documents are being maintained.

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Decree ¶177

Decree Language:

"177. Within a reasonable time following notice to the City or the Department, as applicable the DOJ shall have access to all City staff, facilities and documents reasonably necessary to enable the DOJ to evaluate compliance with the Agreement, except that, absent Court order, access to any such staff, facilities and documents shall be limited to the same extent the Monitor's access is limited under paragraphs 163, 165, 166, 167, 168, 169, 170, and 171 and as to any such documents protected by the attorney-client privilege shall be consistent with the requirements of those paragraphs. DOJ shall retain any Sensitive Data and non-public information in a confidential manner and shall not disclose any Sensitive Data or non-public information to any person or entity, other than the Court or the Monitor, absent written notice to the City and either written consort by the City or a court order authorizing disclosure. In the event that DOJ intends to introduce Sensitive Data or non-public information to the Court, DOJ shall provide reasonable notice to the City.

PROGRESS/STATUS SUMMARY

Due Date: June 15, 2001

Current Compliance Status: Compliance

Policy/Procedures: Consent Decree

Activities:

The City has responded to DOJ requests for documents in a timely fashion.

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B. *Implementation*

Decree ¶184

Decree Language:

"184. The following shall be the implementation of paragraph 8:

a. As part of any meet and confer or consulting process demanded by an employee bargaining unit (as described in paragraph 8), the City shall discuss and seek to resolve with such bargaining unit any disputes or uncertainties regarding which provisions are subject to such process. The City will identify and provide to such bargaining unit, with a copy to the DOJ, the provisions of this Agreement that it believes are subject to the process being demanded. The City shall report to the Court and the DOJ on the results of any such discussion on this question within 30 days of the date the Complaint in this action is filed. In the event that the City and such bargaining unit are unable to resolve the list of the provisions of the Agreement that are subject to that process, the City shall seek declaratory relief from this Court to resolve such issue, provided that such bargaining unit shall receive notice and an opportunity to be heard by the Court on this issue.

b. Following the resolution of say dispute or uncertainty regarding the issues subject to a demanded process, the City shall continue with that process and shall report to the Court and DOJ on the progress every 30 days, and (i) shall attach proposed agreements with the applicable bargaining wait relating to provisions of this Agreement as they are resolved or unilateral actions (as defined by subpart (f) of this paragraph) by the City arising from the meet and confer process as they are determined and (ii) shall identify provisions identified pursuant to subpart (a) of this paragraph that are scheduled for implementation within 45 days. With regard to a matter that is not a subject of mandatory bargaining, the City shall not propose or enter into any such agreement with a bargaining unit that will adversely affect the City's timely implementation of this Agreement. With regard to all such agreements with a bargaining unit and all such unilateral actions, the City shall not make them effective

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before the expiration of 45 days after such proposed agreement or unilateral action is reported to the Court and DOJ. The time for implementation of any provisions of this Agreement affected by such agreement with a bargaining unit concerning a mandatory subject of bargaining or such unilateral action shall be extended for such 45-day period. Upon receipt by DOJ of any such proposed agreement or unilateral action, the parties shall consult to determine whether, and if so to what extent, such proposed agreement or unilateral action would adversely affect the City's ability timely to implement any provision(s) of this Agreement. If the parties determine that implementation of such proposed agreement or unilateral action would not significantly impact the City's ability to implement the affected provision(s) of this Agreement, DOJ shall waive some or all of such 45-day period, and the City shall initiate such implementation. If such determination is not made, the parties shall discuss appropriate clarifications or modifications to this Agreement. Where the parties believe that a modification of this Agreement is appropriate, they shall present such modification to the Court for its consideration pursuant to paragraph 180, and the implementation date for the affected provision(s) of this Agreement shall be extended while the matter is before the Court unless the Court orders earlier implementation. Any motion concerning a proposed bargaining agreement or unilateral action shall be brought during the 45-day period and shall not be governed by the notice requirements of paragraph 186.

c. In the event that the City believes the meet and confer process, consultation, or any such proposed agreements with the applicable bargaining units or such proposed unilateral actions resulting from the meet and confer process, will impair the City's ability timely to implement one or more provisions of this Agreement, and the DOJ and the City are unable to agree on an appropriate resolution, then the City shall so report to the Court and shall seek appropriate declaratory or injunctive relief (including specific performance) on such provision(s). The DOJ also may seek relief from the Court in the event that DOJ believes the meet and confer process, consultation, or any such proposed agreements with the applicable bargaining units or such proposed

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unilateral actions will impair the City's ability timely to implement one or more provisions of this Agreement, and the DOJ and the City are unable to agree on an appropriate resolution. Any such motion shall demonstrate how the City would be so impaired.

d. In ruling on a motion under this paragraph, paragraph 8, or in regard to any meet and confer issue identified pursuant to subpart (a) of this paragraph, the Court shall consider, *inter alia*, whether the City's proposed agreements with the applicable bargaining units or proposed unilateral actions that address provision(s) of this Agreement are consistent with the objectives underlying such provision(s) and whether the City has satisfied its labor relations obligations under state and local law. On any such motion, if the City has engaged in good faith efforts (including consideration of the manner in which the City carried out any applicable meet and confer or consulting obligations) to be able to implement this Agreement in a timely manner, the City (i) shall not be in contempt or liable for any other penalties, and (ii) may be potentially held in breach for such provision(s) only for the limited purpose of the issuance of declaratory or injunctive remedies (including specific performance), but may not be regarded as in breach for any other purpose.

e. In the event that DOJ believes the meet and confer process, consultation, or any such proposed agreements with the applicable bargaining units or unilateral actions resulting from the meet and confer process, will impair the City's ability to implement one or more material provision of this Agreement, the DOJ may alternatively file a motion seeking to dissolve this Agreement, which motion shall be granted if the Court finds that the meet and confer process, consultation, or such proposed bargaining agreements with the applicable bargaining units or such proposed unilateral actions will preclude meaningful implementation of one or more material provisions of this Agreement as contemplated on the date the DOJ's Complaint was filed. Should the Court grant a motion by the DOJ to dissolve this Agreement, the DOJ may commence litigation in this case to seek relief based on its Complaint.

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f. The term "unilateral action" shall mean an action taken by the City as management at the conclusion of the meet and confer process on a mandatory subject of bargaining to implement its last, best, and final offer where (i) agreement could not be reached in the negotiations, (ii) any required impasse resolution procedure has been followed, and (iii) management has decided to make a unilateral implementation at the point of ultimate impasse."

PROGRESS/STATUS SUMMARY

Due Date: July 15, 2001

Current Compliance Status: Compliance/In-Progress

Policy/Procedure: Meet and Confer

Activities:

Consistent with the requirements of paragraph 184 (a), on July 13, 2001, the City provided the appropriate bargaining units, with a copy to DOJ, a list of the provisions of the Consent Decree that are subject to the meet and confer process. Subsequently meetings between the City and the bargaining units were held. The City has reported to the Court on a monthly basis regarding the meet and confer process April 16, 2002, when the City filed a Motion with the Court seeking a declaration pursuant to paragraph 184(a) stating which provisions of the Consent Decree are subject to meet and confer. The City has identified all or portions of Consent Decree paragraphs 47 (g) and (i), 51, 54, 62, 70(c), 77, 98, 106(b), (c), and (d), 107(a) and (c), 108(i), 114, 116, and 132 as being subject to meet and confer.

The pendency of the meet and confer process has impaired the City's ability to timely implement of all or portions of paragraphs 51, 62, 70(c), 77, 98, 106(b), (c), and (d), 107(a) and (c), 108(i), 114, 116, and 132. Despite these delays, however, and consistent with its legal obligation to meet and confer in good faith, the City has prepared certain orders and forms to assist with the meet and confer process and to expedite implementation of some of the provisions identified above should they turn out to be the result of the meet and confer process. Such orders or forms naturally would

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be subject to modification should the meet and confer process lead to different resolutions. Information regarding such preliminary implementation activities is presented in the "activities" discussion for each specific paragraph.

The City will consult the DOJ in regard to: 1) impairment of the City's ability to timely implement of all or portions of Consent Decree paragraphs; 2) any additional meet and confer items that may be identified by the City, and; 3) the position the City will take in regard to provisions identified by the Los Angeles Police Protective League as subject to the meet and confer process.

See also paragraph 8.

Dated: February 3, 2003

OFFICE OF THE CITY ATTORNEY

By:_____

TERREE BOWERS,
Attorneys for defendants, CITY OF LOS ANGELES, THE BOARD OF POLICE COMMISSIONERS OF THE CITY OF LOS ANGELES, and THE LOS ANGELES POLICE DEPARTMENT

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