

LOS ANGELES POLICE COMMISSION

*REVIEW OF AUDIT DIVISION'S
CATEGORICAL USE OF FORCE
SYSTEMS AUDIT
(Fiscal Year 2005/2006)*



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF AUDIT DIVISION'S
CATEGORICAL USE OF FORCE SYSTEMS AUDIT (FISCAL YEAR 2005/2006)**

PURPOSE

Pursuant to Consent Decree Paragraph 135, the Office of Inspector General (OIG) reviewed Audit Division's Categorical Use of Force (CUOF) Systems Audit (Audit). The Audit was completed in the third quarter of Fiscal Year (FY) 2005/2006 and received by the OIG on March 29, 2006. The OIG assessed the Audit's completeness, findings and quality.

BACKGROUND ON AUDIT DIVISION'S AUDIT

Due to the large number (20) of Consent Decree paragraphs that must be evaluated under the audit subject of CUOF, Audit Division on an annual basis conducts both a CUOF *Systems* Audit and a CUOF *Investigations* Audit. The CUOF *Systems* Audit covers events that occur pursuant to the CUOF *incident*, such as officer separation, notifications and Behavior Science Services referrals. The CUOF *Investigations* Audit (scheduled to be completed by June 30, 2006) covers events that occur pursuant to the CUOF *investigation*, such as interviews, collection of evidence, and supervisory oversight.

The Consent Decree defines a CUOF as all incidents involving the use of deadly force (e.g. officer involved shootings [OISs]), all uses of upper body control holds, uses of force resulting in an injury requiring hospitalization or death, head strikes with an impact weapon, deaths while the arrestee or detainee is in custodial care of the Department, and canine bites resulting in hospitalization. At the Department's discretion, other incidents can also be investigated as a CUOF, especially when significant risk-management issues are present.¹

When a CUOF incident occurs, the involved officer must, without delay, notify his/her supervisor. The supervisor in the division of occurrence makes one phone call to the Department's Command Post (DCP), and the DCP notifies the Inspector General (IG), the District Attorney (DA) (when warranted), Force Investigation Division (FID), and the Chief of Police (COP). Force Investigation Division "rolls out" to the scene of CUOF incidents and begins its investigation of the incident.

Audit Division's CUOF Systems Audit assessed the Department's compliance with 14 Consent Decree paragraphs. The Table, on the next page, summarizes the compliance percentages reported by Audit Division.²

¹ Department policy also identifies accidental discharges and animal shootings as CUOFs, but Audit Division did not evaluate these types of incidents in its Audit for various reasons.

² The Consent Decree paragraphs evaluated by Audit Division had multiple mandates and, as such, Audit Division created subparagraphs for certain paragraphs to assess the Department's compliance.

TABLE – COMPLIANCE PERCENTAGES REPORTED BY AUDIT DIVISION

Consent Decree Paragraph	Description of Audit Objective	Compliance Percentage
51(a)	Mandatory Review of Pending Complaints and TEAMS Information for FID Applicants	100%
51(d)	Documentation of Review and Consideration of Specific Pending and Sustained Complaints for FID Applicants	100%
55	1. FID is Responsible for Administrative Investigations of CUOF	100%
	2. Investigators Shall Be Supervisors	100%
	3. FID Shall Not Have Line Supervision Over Geographic Bureaus	100%
	4. Investigators Shall Be Trained on Consent Decree Paragraph 80	72%
56	1. FID to Attend All CUOF Incidents and to Respond Promptly	100%
	2. Immediate Notification to the COP, FID, and the OIG	90%
	3. Crime Scene Command	100%
58	District Attorney Command Post Notification	100%
59	Cooperation with DA Personnel at Scene of CUOF	100%
61	Separation of Officers	100%
62(a)	Seven Day Review of Supervisory Response	82%
63	Psychological Evaluation of Officers Involved in Deadly Force	100%
64	1. Officer Work and CUOF History Considered for Disciplinary Action	100%
	2. Officer Work and CUOF History Considered for Non-Disciplinary Action	97.5%
65	Report CUOF Incidents without Delay	100%
67	CUOF Reports to Police Commission within 60 Days of Statute	26%
69	Use of Force Review Board to Review all CUOF Incidents	100%
83	Investigators to Have Access to TEAMS Information	100%
147	1. Timely Notification to the OIG	100%
	2. Process for the OIG to Report Policy Issues to the Police Commission	100%

Greater detail on Audit Division’s methodology and findings is found in its CUOF Systems Audit Report.

PRIOR RECOMMENDATIONS

The OIG’s review of Audit Division’s CUOF System’s Audit for FY 2004/2005 did not result in any recommendations.

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REVIEW METHODOLOGY

The OIG assessed the completeness, findings and quality of Audit Division's CUOF Systems Audit by reviewing the Audit report, related audit plan, supporting work papers and source documents.³

On June 13, 2006, the OIG provided a copy of its draft report to Audit Division for their review. Their response was received on June 20, 2006. At that time, Audit Division management indicated general agreement with this review's findings.

FOCUS POINT

The OIG noted that the most significant concern raised in Audit Division's prior report for FY 2004/2005 was the compliance percentage of 58.1% for Consent Decree Paragraph 67 (CUOF Reports to Police Commission within 60 Days of Statute), whereby 13 of the 31 CUOF incidents reviewed by Audit Division were submitted late to the Police Commission, by an average of 29 days. Per Audit Division, these late submissions were due to a backlog of incident investigations transferred from Critical Incident Investigation Division (CIID) to FID, which was established August 22, 2004. Audit Division expected to find an improvement in the Department's compliance with this paragraph in their FY 2005/2006 CUOF Systems Audit. However, the compliance percentage fell to 26%, with only five of the 19 investigations completed and provided to the Police Commission within 60 days of statute. The other 14 (74%) were submitted to the Police Commission an average of 18 days late.

To analyze the aforementioned delay and other issues, the Police Commission established a FID Committee in September 2005. That Committee performed an assessment of FID systems and the approval process, and made several recommendations to address those concerns in a November 2005 report. The Police Commission subsequently approved this report along with its recommendations, and it was forwarded to FID for implementation.

REVIEW RESULTS

COMPLETENESS

To assess the Audit's completeness, the OIG reviewed Audit Division's report and supporting work papers to ensure Consent Decree mandates were addressed and that the Audit used complete populations.

³ For Consent Decree Paragraphs 51 and 55 (2 & 4), the OIG's samples were randomly selected based on a one-tail sample size calculation, with a 95% confidence level, an expected error rate of six percent, and a plus-precision of seven percent. For Consent Decree Paragraphs 56, 58, 59, 61, 62(a), 63 64, 65, 67, 69, 83, and 147, the OIG reviewed Audit Division's entire samples and/or related work papers.

Consent Decree Mandates Addressed

Per the Department's Annual Audit Plan (AAP) Status Report – Third Quarter FY 2005/2006, Audit Division's CUOF Systems Audit was to meet the audit requirements specified in Consent Decree Paragraph 129 and assess Consent Decree Paragraphs 51 (a & d), 55, 56, 58, 59, 61, 62a, 63, 64, 65, 67, 69, 83 and 147 (see Table).

The OIG determined the Audit sufficiently met the audit requirements specified in Consent Decree Paragraph 129 and assessed the aforementioned Consent Decree paragraphs.

Identification of a Complete Population

Audit Division used multiple populations to evaluate the Department's compliance with the above listed Consent Decree paragraphs (see Table). The OIG determined that these populations were complete based on the criteria set by Audit Division.⁴

FINDINGS

To assess the Audit's findings, the OIG reviewed Audit Division's supporting work papers and source documents (see the Appendix for the OIG's sample sizes). Additionally, the OIG reviewed Audit Division's report to ensure the findings were properly presented.

Support for Findings

The OIG found that Audit Division's reported findings were well supported and that all applicable findings were reported.

Presentation of Findings

Audit Division presented the Audit's findings in a logical manner, organized by Consent Decree paragraph, and the narrative of the report supported all calculations.

QUALITY

The OIG evaluated Audit Division's Audit and the report for quality.

Audit Quality

Overall, the Audit was properly supervised and planned, in that the Audit's methodology allowed for proper assessments of applicable Consent Decree paragraphs. However, the OIG noted the following issue related to the Audit's methodology:

⁴ It was noted that Audit Division's report erroneously indicated that sampling was not used, but for its evaluation of Consent Decree paragraphs 51 (a) and (d) and 55, statistical sampling was used by Audit Division. The OIG verified that this sample was from a complete population.

- In assessing Consent Decree Paragraph 69 (Use of Force Review Board [UOFRB] to Review All CUOF Incidents), Audit Division reviewed all 22 CUOF incidents known to have *been presented to the UOFRB* from September 1, 2005 to October 31, 2005. The OIG would have preferred that Audit Division reviewed all CUOF incidents known to have *occurred* during some time frame, and then determined whether they were eventually presented to the UOFRB. This issue was reported by the OIG in its prior review (FY 2004/2005) of Audit Division's CUOF Systems Audit. At that time, Audit Division management agreed that their methodology could be improved; however, they believed that Departmental controls effectively ensured that all CUOF incidents are presented to the UOFRB.

Report Quality

The report appropriately delineated the Audit's objectives, scope, methodology, and status of prior Audit recommendations. Also, the report was issued in a timely manner (within a year of Audit Division's last Audit), used a fair and unbiased tone, and was generally clear.

CONCLUSION

Overall, the Audit was found to be complete, performed in a quality manner, and its findings were well supported.

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APPENDIX - POPULATION AND SAMPLE SIZES

Consent Decree Paragraph	Description of Audit Objective	Population Size	Audit Division's Sample Size	OIG's Sample Size
51	Selection of Officers to FID (Deployment Periods 9, 10, 11, 2005)	47	32	17
55	FID Investigators of Supervisory Rank (Deployment Periods 9, 10, 11, 2005)	47	47	19
56	FID "Roll Out" to CUOF Incidents 24 Hours a Day (CUOFs Occurring Sept. 1–Oct. 31, 2005)	11	11	11
56	Notify COP, FID, and IG of CUOF	11	11	11
	FID Senior Investigator to Have Crime Scene Command	11	11	11
58	District Attorney Command Post Notification	6	6	6
59	Cooperation with DA Personnel at CUOF Scene	N/A	N/A	N/A
61	Separation of Officers	8 OISs/ 27 Officers	8 OISs/ 27 Officers	8 OISs/ 27 Officers
62a	Seven Day Review of Supervisory Response	11	11	11
63	Psychological Evaluation of Officers	8 OISs/ 20 Officers	8 OISs/ 20 Officers	8 OISs/ 20 Officers
64	Consider Officer Work and CUOF History Prior to Taking Disciplinary Action for "Out of Policy" CUOFs	13	13	13
	Consider Officer Work and CUOF History Prior to Taking Non-Disciplinary Action	22 CUOFs/ 40 Officers	22 CUOFs/ 40 Officers	22 CUOFs/ 40 Officers
65	Duty to Report CUOF Incidents Without Delay	11	11	11
67	Submission to Police Commission (CUOFs Occurring Jan. 1 – Mar. 31, 2005)	19	19	19
69	Presentation to UFRB (Sept. 1 – Oct. 31, 2005)	22	22	22
83	TEAMS II Access by FID Investigators of Supervisory Rank (Deployment Periods 9, 10, 11, 2005)	47	47	47
147	Timely Notification to Inspector General	11	11	11