

**LOS ANGELES POLICE COMMISSION**

*REVIEW OF THE DEPARTMENT'S  
CATEGORICAL USE OF FORCE SYSTEMS  
AUDIT*

*Fiscal Year 2007/2008*



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF THE DEPARTMENT'S  
CATEGORICAL USE OF FORCE SYSTEMS AUDIT**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Department's Categorical Use of Force (CUOF) Systems Audit (Audit). The Audit, conducted by Audit Division, was completed in the third quarter of Fiscal Year 2007/2008 and received by the OIG on March 25, 2008. The OIG assessed the Audit's completeness, findings and quality.

**BACKGROUND ON AUDIT DIVISION'S AUDIT**

Audit Division conducts both a CUOF Systems Audit and a CUOF Investigations Audit due to the large number of related Consent Decree Paragraphs that are required to be evaluated on an annual basis. The CUOF Systems Audit evaluates the procedures involved in the overall process for a CUOF investigation, including selection of Force Investigation Division (FID) investigators, training of the selected FID investigators, timely notification of the CUOF incident to the appropriate entities, officer separation, Behavioral Science Services (BSS) referrals, Commanding Officer's review of the officer's psychological evaluation prior to their return to work, Commanding Officer's consideration of the officer's work history prior to taking action, and appropriate review and approval of the completed investigation. The CUOF Investigations Audit evaluates the quality of the completed investigations, including interviews, collection of evidence, and supervisory oversight.<sup>1</sup>

The Department defines a CUOF incident as one involving the use of deadly force, (e.g., officer involved shooting (OIS)), use of upper body control holds, death of an arrestee or a detainee while in the custody of the Department, use of force resulting in hospitalization or death, head strikes with an impact weapon, and canine bites resulting in hospitalization. At the Department's discretion, other incidents can also be investigated as a CUOF incident, especially when significant risk-management issues are present.<sup>2</sup>

When a CUOF occurs, the involved officer must, without delay, notify his/her supervisor. The supervisor in the division of occurrence must notify the Real Time Analysis and Critical Response Division (RACR), and then RACR must notify the Chief of Police, FID, Inspector General, and District Attorney (if applicable). Then personnel assigned to FID must respond to the scene of the CUOF and take command of the crime scene and investigation.

Audit Division's CUOF Systems Audit assessed the Department's compliance with 14 Consent Decree Paragraphs utilizing 18 Audit Objectives.<sup>3</sup> The table on the next page summarizes the compliance percentages reported by Audit Division.

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<sup>1</sup> The CUOF Investigations Audit is scheduled to be completed by Audit Division by June 30, 2008.

<sup>2</sup> Department policy also identifies accidental discharges and animal shootings as CUOF incidents, but Audit Division did not evaluate these types of CUOF in its Audit.

<sup>3</sup> Audit Division developed multiple objectives for certain Consent Decree Paragraphs in order to more effectively address those requirements. Additionally, in prior Audits, Audit Division evaluated the requirements for Consent Decree ¶62 (a). However, in order to more effectively evaluate this Paragraph, Audit Division is evaluating it as part of the CUOF Investigations Audit.

**COMPLIANCE PERCENTAGES REPORTED BY AUDIT DIVISION**

Consent Decree ¶	Objective No.	Description of Audit Objectives	Compliance Percentages	
			2006/2007	2007/2008
47(g)	1	Information and specific sustained complaints in Training Evaluation and Management System (TEAMS) II shall be considered and documented for FID applicants.	NA <sup>4</sup>	100% (16/16)
55	2	FID shall have the full responsibility to conduct CUOF investigations.	Compliant	Compliant
	3	FID investigators shall be supervisors.	100% (46/46)	100% (55/55)
	4	FID Commanding Officer shall have no direct line supervision for the Geographic Bureaus.	Compliant	Compliant
	5	FID investigators shall complete training required by CD ¶80, which addresses sound investigative practices.	100% (46/46)	100% (55/55)
56, 147	6	FID shall have the capability to respond to all CUOF incidents without delay.	100% (16/16)	100% (11/11)
	7	RACR Division shall notify appropriate entities of CUOF incidents without delay.	81% (13/16)	100% (11/11)
	8	FID shall have the crime scene and investigation command.	100% (16/16)	100% (11/11)
58	9	RACR shall report CUOF incidents to the District Attorney (DA) Command Post without delay.	100% (7/7)	100% (3/3)
59	10	The Department shall cooperate with the DA personnel at the scene of a CUOF incident.	Compliant	Compliant
61	11	Involved officers shall be separated immediately.	94% (30/32)	100% (30/30)
63	12	Area Commanding Officer shall consider officer’s psychological evaluation prior to returning an officer to the field.	88% (28/32)	100% (24/24)
64	13	Management shall consider officer’s work and CUOF history prior to taking disciplinary action.	83% (25/30)	100% (51/51)
	14	Management shall consider officer’s work and CUOF history prior to taking non-disciplinary action.	100% (87/87)	100% (71/71)
65	15	Officers shall report CUOF incidents to the Department without delay.	100% (16/16)	100% (11/11)
67, 129(a)	16	CUOF incidents shall be submitted to the Police Commission for review 60 days prior to statute.	45% (9/20)	97% (31/32) <sup>5</sup>
69	17	Use of Force Review Board (UOFRB) shall review all CUOF incidents.	100% (13/13)	100% (23/23)
83	18	FID shall have access to TEAMS II.	Compliant	Compliant

<sup>4</sup> Consent Decree ¶47 (g) was previously not evaluated, as TEAMS II was not fully operational. It replaced Consent Decree ¶51 (a & d) which had been evaluated utilizing an earlier version of TEAMS II.

<sup>5</sup> The one exception (F004-07[OIS]) was submitted one day late.

## **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.<sup>6</sup>

On June 24, 2008, the OIG met with Audit Division's personnel to discuss the results of this review. At that time, they indicated general agreement with this review's findings.

## **REVIEW RESULTS**

### **COMPLETENESS**

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

The OIG determined that the Audit sufficiently met the requirements specified in Consent Decree Paragraphs 47(g), 55, 56, 58, 59, 61, 63, 64, 65, 67, 69, 83, 129(a), and 147. Audit Division used multiple populations in order to evaluate the Department's compliance with the applicable Consent Decree Paragraphs. Based on the OIG's review, Audit Division selected from a complete population or reviewed the appropriate Departmental reference materials for all of the above specified Consent Decree Paragraphs and related Audit Objectives, with the following exceptions:

- For three Audit Objectives, Audit Division tested 16 investigators that were transferred into FID since their prior Audit. However, according to Departmental records, 17 FID investigators were transferred into FID since their prior Audit. The three Audit Objectives affected were No. 1 (Review for sustained complaints, etc. [¶47 (g)]), No. 3 (FID supervisors shall be supervisors. [¶55]), and No. 5 (Completion of mandated ¶80 training, etc. [¶55]).
- For Audit Objective No. 14 (Consider work and CUOF history prior to taking non-disciplinary action, etc. [¶64]), Audit Division identified 23 CUOF incidents involving 71 officers presented to the UOFRB between September 1, 2007 and December 15, 2007. However, according to information obtained from the Use of Force Review Division (UOFRD), there were 24 CUOF incidents involving 73 officers.

Note that Audit Division's reported compliance percentages for the aforementioned Audit Objectives (Nos. 1, 3, 5 and 14) were not affected by the exclusion of these sample items, as the OIG reviewed them and found no exceptions.

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<sup>6</sup> The OIG's review of Audit Division's work papers was based on the following: 1) For Consent Decree ¶47(g) (Objective 2), the OIG selected a random sample 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; 2) For Consent Decree ¶s 55(a, b & c), 56, 58, 59, 61, 63, 64, 65, 67, 83, 129(a) and 147, the OIG reviewed Audit Division's entire population and/or related work papers; 3) For Consent Decree ¶69, due to concerns with Audit Division's sampling methodology, the OIG did not test, as testing would not have served any purpose.

## FINDINGS

To assess the Audit's findings, the OIG reviewed Audit Division's supporting work papers and source documents. Furthermore, the OIG selectively reviewed Audit Division's testwork to determine whether they adequately identified and reported all relevant issues and if all reported issues were valid. Based on the OIG's review, overall, Audit Division adequately identified and reported all relevant issues, with the following exception:

Audit Division reported as an "Other Related Matter" (not related to the Consent Decree) that CUOF incident F104-07 (OIS – hit) did not comply with Departmental requirements (Los Angeles Police Department [LAPD] Manual, Volume 3, Section 794 – Directed Referral to BSS), noting that the Commanding Officer's rationale for his decision to return or not return the employees to duty was missing from the Intradepartmental Correspondence (15.2) prepared by the Commanding Officer. However, a review of the 15.2 from the Commanding Officer to the UOFRB indicated that BSS advised him that the referred officers were "fit to return to full field duties" except for one officer who had been injured during the incident and was being monitored by BSS. Additionally, the 15.2 indicated that the Commanding Officer received the appropriate authorization for field deployment from the Chief of Police. Based on the recommendations received by BSS and the Chief of Police, the 15.2 indicated that the Commanding Officer returned the referred officers to full field duties. The above noted LAPD Manual section requires that the 15.2 from the Commanding Officer to the UOFRB shall include "the rationale for the Commanding Officer's decision to return or not return the employee to field duty status;" but does not explicitly address what is required to be included in their rationale. Given that Audit Division reported the Department did not comply with the requirements specified in the aforementioned LAPD Manual section, as it appeared that they expected additional rationale than what was already provided in the 15.2, going forward, further clarification should be provided by the Department as to the nature and the extent of the rationale that should be provided by the Commanding Officer in his 15.2 to the UOFRB.

## QUALITY

The OIG evaluated the quality of both the Audit and the Audit Report. Based on the OIG's review, the Audit was properly planned, performed, and supervised. In addition, the Audit Report delineated the Audit's objectives, scope, methodology, and findings. Moreover, the report was issued in a timely manner (within a year of Audit Division's last Audit), was clear and used a fair and unbiased tone.

However, in assessing Audit Objective No. 17 (UOFRB to review all CUOF incidents [¶69]), Audit Division reviewed 23 CUOF incidents known to have *been presented to the UOFRB* from September 1, 2007 through December 15, 2007. The OIG would have preferred that Audit Division had reviewed CUOF incidents known to have *occurred* during a prior designated time frame and then determined whether they were appropriately presented to the UOFRB. The OIG's preferred methodology could detect a CUOF incident that was never presented to the UOFRB.

## **CONCLUSION**

Overall, the OIG found the Audit to have been complete and performed in a quality manner, as it appears to have been carefully planned and thoughtfully executed. Furthermore, the OIG found that the Audit findings were well supported with the proper amount of detail.

## **RECOMMENDATION**

The OIG recommends that LAPD Manual, Volume 3, Section 794 – Directed Referrals to BSS be clarified to explicitly state the nature and extent of the rationale required of the Commanding Officer in his/her 15.2 to the UOFRB with respect to his/her decision to return or not return the employee to field duty status.