

LOS ANGELES POLICE COMMISSION

**AUDIT OF SPECIAL ORDER NO. 25, 2008 –  
MANDATORY TRAINING UPDATE  
SUBSEQUENT TO A CATEGORICAL USE OF  
FORCE AND USE OF FORCE DIRECTIVE**

*(Fiscal Year 2009/2010)*



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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Inspector General

February 11, 2010

**Office of the Inspector General  
Audit of Special Order No. 25, 2008 and July 2008 Use of Force Directive  
Fiscal Year 2009/2010**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to its Audit and Review Plan, has completed its initial compliance audit (Audit) pertaining to Special Order No. 25, 2008 - Mandatory Training Update Subsequent to a Categorical Use of Force (CUOF) and to a July 2008 Directive (Directive) addressing the adjudication of CUOF incidents.

**BACKGROUND**

Los Angeles Police Department (Department) Manual Section 3/794.10 defines a CUOF incident to include: an officer involved shooting (OIS), carotid restraint control hold (CRCH), law enforcement related injury resulting in hospitalization (LERI), head strike with an impact weapon (Head Strike), death while the arrestee or detainee is in custodial care of the Department (ICD) and canine contact resulting in hospitalization (K-9 Contact).<sup>1</sup> On average, 110 CUOF incidents were documented each year from 2006 to 2008.

On July 22, 2008, the BOPC adopted a use of force directive titled, “Adjudication of Categorical Use of Force Incidents.” The Directive, designed to enhance the CUOF adjudication process, emphasized post-adjudication training over discipline while giving the adjudicator additional disposition options for an Administrative Disapproval finding. According to the Directive, its primary purpose was to:

- Create a separate category for findings relative to unintentional firearm discharges;
- Require all personnel substantially involved in a CUOF incident to participate in a tactical debrief after the review and adjudication of the CUOF incident; and,
- Introduce, codify and clarify the administrative findings categories for CUOF incidents (referenced in the below table):

Adjudication Area	Finding	Outcome
Tactics	Standard Debrief	Tactical Debrief and additional training, if needed.
	Administrative Disapproval	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> <li>• Extensive Retraining</li> <li>• Notice to Correct Deficiencies</li> <li>• Personnel Complaint</li> </ul>
Drawing and Exhibiting Firearm	In Policy – No Further Action	Tactical Debrief
	Administrative Disapproval – Out of Policy	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> <li>• Extensive Retraining</li> <li>• Notice to Correct Deficiencies</li> <li>• Personnel Complaint</li> </ul>
Use of Force	In Policy – No Further Action	Tactical Debrief
	Administrative Disapproval – Out of Policy	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> <li>• Extensive Retraining</li> <li>• Notice to Correct Deficiencies</li> <li>• Personnel Complaint</li> </ul>

<sup>1</sup> An unintentional discharge of a firearm and an animal shooting are CUOF incidents that were excluded for the purpose of this audit.

Subsequent to the adoption of the Directive, Department Manual Section 3/796.35 was amended with Special Order No. 25, 2008 to reflect the revised process for completing mandatory pre-adjudication training for a CUOF incident. Accordingly, all substantially involved officers in a CUOF incident, as identified by the area commanding officer, are required to attend a mandatory training update within 90 days of the incident.<sup>2</sup> There are five required training topics for the training update and include; command and control, equipment - required/maintained, tactical communication, tactical planning and the use of force policy. The area commanding officer is required to ensure that the mandatory training topics are covered as well as any additional topics relevant to the incident. The area commanding officer is then required to ensure that the training is conducted and subsequently recorded on the involved officers' Training, Evaluation, and Management System (TEAMS) II records.

Following the CUOF incident investigation, the Use of Force Review Board (UOFRB) and the BOPC determine specific training topics for the tactical debrief, which is required of all substantially involved officers. Training Division is responsible for conducting tactical debrief training and is required to complete the training within 90 days following the adjudication of the incident. Once adjudicated, Use of Force Review Division (UOFRD) reports the CUOF incident findings on the officers' TEAMS II records and provides Training Division with a list of topics to be discussed at the tactical debrief.

Training Division schedules the tactical debrief and determines the appropriate length of time to complete the training. Tactical debrief training is scheduled for either a one or two-hour block of time. Training Division's CUOF Debrief Facilitator (Facilitator) conducts the tactical debrief. The Facilitator customizes each training session specific to the CUOF incident. Utilizing the CUOF investigation and Chief of Police Report, the Facilitator leads the officers in a discussion of the incident to enhance understanding of their strengths and weaknesses regarding tactics, drawing and exhibiting a firearm, and use of force issues. The Facilitator presents the tactical issues identified by the adjudication process and relates the practices to Department policies and procedures. After completion of the tactical debrief, the Facilitator prepares an Intradepartmental Correspondence to UOFRD documenting the issues covered in the tactical debrief. Training Division ensures that the officers' TEAMS II records are properly updated.

A CUOF incident resulting in a finding of Administrative Disapproval requires an outcome of a personnel complaint, notice to correct deficiencies and/or extensive retraining for the concerned officer. When extensive retraining is determined to be an appropriate outcome, Training Division schedules the training and determines the appropriate length of time for its completion. Extensive retraining is usually scheduled for a two-hour block of time. Generally, the first hour of training is the tactical debrief which is attended by all substantially involved officers including the officer assigned extensive retraining. At the conclusion of the tactical debrief, all officers are excused except the officer assigned extensive retraining. The remaining time is utilized by the Facilitator to conduct individual training with the concerned officer. The Facilitator customizes each training session to the CUOF incident and specifically to the issues

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<sup>2</sup>A substantially involved officer is defined as an officer applying force or who had a significant tactical or decision-making role in the incident.

causing rise to the Administrative Disapproval finding. The Facilitator leads a discussion of the incident to enhance the officer's understanding of relevant tactical, drawing and exhibiting a firearm and use of force issues. The Facilitator relates the training to Department policies and procedures. The training continues until the Facilitator believes all relevant issues have been discussed, further review would have no additional value and the officer has no questions and nothing further to add to the discussion. After completion of the extensive retraining, the Facilitator prepares an Intradepartmental Correspondence to UOFRD documenting the issues covered and ensures that the officer's TEAMS II record was properly updated.

### **AUDIT SCOPE AND METHODOLOGY**

This is the initial compliance Audit with regard to Special Order No. 25, 2008 and the Use of Force Directive. In general, a CUOF incident requires 15 months to investigate, adjudicate and provide post-adjudication mandated training. Whereas Special Order No. 25, 2008 examines the pre-adjudication mandatory training update, the Directive outlines the post-adjudication training processes. Accordingly, individual CUOF incidents were not tested for both the pre-adjudication training updates and the mandated post-adjudication training. Rather, the Audit population was bifurcated, testing a CUOF incident for the pre-adjudication training or post-adjudication training but not both. Accordingly, the OIG selected two separate audit populations, both from January 1 to June 30 of 2009. The population selected for Special Order No. 25, 2008 included all incidents that occurred during that period while, in contrast, the population selected for the Directive included all incidents that were adjudicated during the same period. As part of the test work, the OIG interviewed the command staff at UOFRD and Training Division to gain an understanding of the process, policies, and procedures utilized in adherence to Special Order No. 25, 2008 and the Directive. The documentation examined during the Audit pertained to the CUOF incidents, mandatory training updates, adjudications by the BOPC, tactical debriefs, applicable extensive retraining, applicable complaints, and TEAMS II reporting.

The OIG conducted this Audit in accordance with generally accepted government auditing standards. These standards require that the Audit is adequately planned, performed, and supervised; and that sufficient, appropriate evidence is obtained, by performing review procedures to provide a reasonable basis for the findings and conclusion contained herein.

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**SUMMARY OF RESULTS**

The Table below contains the compliance rates for each audit objective:

<b>Objective</b>	<b>Description</b>	<b>Rate</b>	<b>Officers</b>
<b>Special Order No. 25, 2008</b>			
<b>1</b>	Determine if the substantially involved personnel identified by the officers' commanding officer were:		
	(a) properly identified.	100%	61/61
	(b) received the mandatory training update in required areas.	100%	61/61
<b>2</b>	Determine if the Mandatory Training Update was:		
	(a) received within 90 days of the CUOF incident.	100%	61/61
	(b) reported on the officers' TEAMS II records.	100%	61/61
<b>Use of Force Directive</b>			
<b>1</b>	Determine if the CUOF incident and related adopted findings were:		
	(a) completely and properly assigned to the officers.	100%	73/73
	(b) reported on the officers' TEAMS II records.	99%	70/71 <sup>3</sup>
<b>2</b>	Identify all required tactical debrief training topics for each substantially involved officer and determine whether it was:		
	(a) received within 90 days of the CUOF adjudication.	100%	73/73
	(b) covered the appropriate topics.	100%	73/73
	(c) reported on the officers' TEAMS II records.	99%	71/72 <sup>4</sup>
<b>3</b>	Determine if Extensive Retraining:		
	(a) covered the appropriate topics.	100%	15/15
	(b) was received within 90 days of the CUOF adjudication.	100%	15/15
	(c) was reported on the officers' TEAMS II records.	100%	15/15

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<sup>3</sup> Seventy one of the 73 officers' TEAMS II records were available for review as one case, which involved two officers, had not been processed and closed by UOFRD at the start of the Audit.

<sup>4</sup> Seventy two of the 73 officers' TEAMS II records were available for review due to one officer's reassignment to a special detail unit.

**SPECIAL ORDER NO. 25, 2008 - MANDATORY TRAINING UPDATE**

Population

The OIG selected all 27 CUOF incidents occurring from January 1 to June 30 of 2009:

Category <sup>5</sup>	No. of Incidents	No. of Officers <sup>6</sup>
OIS Hit	10	33
OIS No-Hit	6	9
Head Strike	2	3
CRCH	1	2
LERI	6	15
K-9 Contact	2	2
<b>Totals</b>	<b><u>27</u></b>	<b><u>64</u></b>

Audit Objectives

*Special Order No. 25, 2008 Objective No. 1 - Determine if the substantially involved personnel identified by the officers' commanding officer were:*

- a) properly identified.*
- b) received the mandatory training update in the required areas.*

Background

Special Order No. 25, 2008 reflects the revised process for completing mandatory training updates subsequent to a CUOF incident by the officer's commanding officer. The commanding officer is required to identify each officer who was substantially involved in the CUOF incident, ensure that the appropriate subject training areas are identified, ensure training is received within 90 days and forward a Intradepartmental Correspondence to UOFRD noting that the training was completed and that TEAMS II records were updated.

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<sup>5</sup> OIS Hit: An officer involved shooting resulting in the suspect being struck by at least one round fired by the officer.

OIS No-Hit: An officer involved shooting where the suspect was not struck by round(s) fired by the officer.

Head Strike: The suspect was struck in the head by an officer deploying an impact weapon.

CRCH: The officer applied a carotid restraint control hold to the neck of a suspect.

LERI: The suspect was injured as a result of a law enforcement related contact resulting in hospitalization of the suspect.

K-9 Contact: The suspect was injured as a result of a K-9 bite requiring hospitalization of the suspect.

<sup>6</sup> Denotes all substantially involved officers.

### Testing Results

Objective No. 1(a) - The OIG determined that the Department was 100% compliant. All 61 substantially involved officers in the 27 CUOF incidents were properly identified.<sup>7</sup>

Objective No. 1(b) - The OIG determined that the Department was 100% compliant. All 61 substantially involved officers were trained on the five mandatory topics and on additional topics recommended by the officers' commanding officers and/or UOFRD.

*Special Order No. 25, 2008 Objective No. 2 - Determine if the mandatory training update was:*

- a) received within 90 days of the CUOF incident.*
- b) reported on the officers' TEAMS II records.*

### Background

Special Order No. 25, 2008 requires that the officers' commanding officer and the Training Division representative concur on the applicable tactical and training issues of the mandatory training update. The commanding officer is also required to ensure that the appropriate subject areas are discussed and that the substantially involved officers receive the mandatory training update within 90 days of the incident. The Commanding Officer of Training Division must ensure that the mandatory training update only discusses the subject matter related to the topics previously identified by the officers' commanding officer and the Training Division representative.

### Testing Results

Objective 2(a) - The OIG determined that the Department was 100% compliant. All 61 substantially involved officers received the mandated training within 90 days of the CUOF incident, averaging 27 days after the CUOF incident.

Objective 2(b) – The OIG determined that the Department was 100% compliant. All 61 substantially involved officers that received the mandatory training updates had their TEAMS II records properly updated by Police Training and Education.

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<sup>7</sup> Three of the 64 involved officers were subsequently assigned to home duty, so not available for training.

**USE OF FORCE DIRECTIVE**

Population

The OIG selected all 40 CUOF incidents adjudicated by the BOPC from January 1 to June 30 of 2009:

Category	Total Incidents	Total Officers	OIG Sample of Officers
OIS - Hit	22	191	40
OIS - No Hit	6	19	11
Head Strike	5	13	9
LERI	4	23	8
ICD	1	7	2
Use of Deadly Force <sup>8</sup>	1	2	2
K-9 Contact	1	1	1
<b>Totals<sup>9</sup></b>	<b><u>40</u></b>	<b><u>256</u></b>	<b><u>73</u></b>

Audit Objectives

*Use of Force Directive Objective No. 1 - Determine if the CUOF incident and related adopted findings were:*

- a) completely and properly assigned to the officers.*
- b) reported on the officers' TEAMS II records.*

Background

As previously reported, the Directive introduced, codified and clarified the administrative findings categories for CUOF incidents. After the CUOF findings are adopted by the BOPC, UOFRD reports the findings on the officers' TEAMS II records.

Testing Results

Objective 1(a) – The OIG determined that the Department was 100% compliant. Findings for all 73 substantially involved officers were completely and properly assigned.

Objective 1(b) – The OIG determined that the Department was 99% compliant. Findings for 70 of 71 substantially involved officers were completely and properly updated on the officers' TEAMS II records. Findings for Tactics, Drawing and Exhibiting a Firearm and Use of Force were not properly updated for one officer in CUOF incident 65-08. Subsequently, the TEAMS II records have been properly updated.

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<sup>8</sup> Use of Deadly Force: The officer administered multiple kicks to the suspect's head.

<sup>9</sup> There were 241 unique officers, as 15 officers were involved in multiple CUOF incidents. The first and last officers listed for each incident were selected, resulting in a sample of 73 officers being audited.

***Use of Force Directive Objective No. 2 - Identify all required tactical debrief training topics for each substantially involved officer and determine whether it was:***

- a) received within 90 days of the CUOF adjudication.***
- b) covered the appropriate topics.***
- c) reported on the officers' TEAMS II records.***

### Background

The Directive requires that a tactical debrief be conducted within 90 calendar days of the BOPC adjudication. During the adjudication process, the Chief of Police and BOPC may identify issues of concern that should be included during the tactical debrief. After the adjudication, the UOFRD compiles the list of issues to be debriefed and provides the list to the Training Division Facilitator. The Facilitator presents the fact pattern of the incident and leads an open discussion with the substantially involved officers on issues applicable to the incident including tactics, drawing and exhibiting a firearm and use of force. The Facilitator reports the tactical debrief on the involved officers' TEAMS II records.

### Testing Results

Objective 2(a) – The OIG determined that the Department was 100% compliant. All 73 substantially involved officers received the tactical debrief training within 90 days of the BOPC adjudication, averaging 47 days after the adjudication.

Objective 2(b) - The OIG determined that the Department was 100% compliant. All 73 substantially involved officers received training on the appropriate topics identified by the Chief of Police and BOPC. Additionally, the Facilitator presented the fact pattern of the incidents and facilitated discussions on issues applicable to the incident.

Objective 2(c) - The OIG determined that the Department was 99% compliant. Findings for 71 of 72 substantially involved officers were completely and properly updated by Training Division on the officers' TEAMS II records. The tactical debrief was not properly updated on TEAMS II records for one officer in CUOF incident 11-08. As of the issuance of the Audit report, the TEAMS II records do not reflect that the involved officer's records have been updated.<sup>10</sup>

***Use of Force Directive Objective No. 3 – Determine if Extensive Retraining:***

- a) covered the appropriate topics.***
- b) was received within 90 days of the CUOF adjudication.***
- c) was reported on the officers' TEAMS II records.***

### Background

In the case of officers who receive the finding of Administrative Disapproval with extensive retraining, the Facilitator is required to conduct the training within 90 days of the adjudication.

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<sup>10</sup> Training Division properly entered the involved officer's training into the Learning Management System (LMS), which by design, should have updated the officer's TEAMS II report.

The Facilitator provides training on the specific identified topics that lead to the circumstances resulting in the finding of Administrative Disapproval. The Facilitator reports the training on the officer's TEAMS II records.

Scope/Population

Fifteen officers received a finding of Administrative Disapproval with extensive retraining. The tested population was inclusive of all 15 officers.

Testing Results

Objective 3(a) – The OIG determined that the Department was 100% compliant. The 15 concerned officers had a total of 17 findings of Administrative Disapproval with extensive retraining. The officers each received customized training specifically addressing the topics identified by the Chief of Police and BOPC. The training was conducted for a period of up to but not exceeding two hours. The topics covered were consistent with the underlying Chief of Police and BOPC training recommendations, with no topics omitted.

Objective 3(b) – The OIG determined that the Department was 100% compliant. All 15 officers with Administrative Disapproval findings received their extensive retraining within 90 days of the BOPC adjudication, averaging 47 days after the adjudication.

Objective 3(c) – The OIG determined that the Department was 100% compliant. All 15 officers with Administrative Disapproval findings had their TEAMS II records properly updated by Training Division.

Administrative Disapproval Data

The Audit examined the six-month period from January to June of 2009. In comparing the five most recent six-month periods, the number of officers receiving Administrative Disapproval findings per period averaged 13.8, ranging from 10 to 19.

Six-Month Period	1/07-6/07	7/07-12/07	1/08-6/08	7/08-12/08	1/09-6/09
No. of Officers w. A.D. Findings	19	10	11	14	15 <sup>11</sup>

The Audit revealed that extensive retraining was the predominate outcome of Administrative Disapproval findings. Fifteen officers received Administrative Disapproval findings and all 15 were assigned extensive retraining. In addition to the extensive retraining, three of the officers received personnel complaints and one officer received a notice to correct deficiencies.

The 15 officers that received Administrative Disapproval are responsible for a total of 17 findings. Of those findings, 14 were for tactics, one for drawing/exhibiting a firearm and two for the use of force.

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<sup>11</sup> The Directive defined Administrative Disapproval as “a CUOF incident [that] unjustifiably and substantially deviated from approved Department [...] training.” Prior to the Directive, the definition of Administrative Disapproval had not been formally defined.

### **MANAGEMENT RESPONSE**

UOFRD and Training Division were in general agreement with the Audit.

### **RECOMMENDATION**

There are no recommendations for this report.

### **CONCLUSION**

Based on the OIG's Audit, the Department has provided a well supported and comprehensive work product that documents the nearly 100% compliance with Special Order No. 25, 2008 and the Directive. The OIG determined that reliable procedural safeguards are in place to reduce the risk of errors and omissions in carrying out the provisions of Special Order No. 25, 2008 and the Directive.