

LOS ANGELES POLICE COMMISSION

*Review of the
Non-Categorical Use of Force
Reports Audit
Second Quarter
Fiscal Year 2003/2004*



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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April 9, 2004

OFFICE OF THE INSPECTOR GENERAL

REVIEW OF NON-CATEGORICAL USE OF FORCE REPORTS AUDIT SECOND QUARTER FISCAL YEAR 2003/2004 CONDUCTED BY AUDIT DIVISION LOS ANGELES POLICE DEPARTMENT

I. BACKGROUND

Pursuant to Consent Decree (CD) paragraph(s) (§) 128 and 129, Audit Division, Los Angeles Police Department (LAPD), conducted an audit of Non-Categorical Use of Force (NCUOF) investigations for incidents that occurred during February 2003. This audit examined NCUOF reports to measure compliance with the subsections of CD §§ 128 and 129. The audit also evaluated Department compliance with CD §§ 69, 80 (c), 80(e), 81, and 82, as they pertain to NCUOF reports.

II. PURPOSE

As required by the CD § 135, the Office of the Inspector General (OIG) evaluated Audit Division's NCUOF Reports Audit for quality, completeness, and findings. The audit report was completed by Audit Division and signed by the Chief of Police on December 30, 2003. The OIG received the report on January 6, 2004, within one week of completion as required by the CD § 135. The audit was completed according to the schedule set forth on the Department's Annual Audit Plan, Fiscal Year (FY) 2003/2004.

III. PRIOR AUDITS

The Department has conducted two prior CD related audits of NCUOF reports; the most recent being the primary and supplemental audits completed on August 25, 2003, covering the Fourth Quarter FY 2002/2003. Several recommendations were made in the primary and supplemental audits. The following provides the current status of each recommendation:

1. Recommendation

Revise Special Order (SO) No. 18, 2002, to ensure that all issues required by the CD, including group interviews, photographs of the suspect and the scene, conflicting witness statements, the inclusion of statements from all witnesses, and a statement that the Investigating Supervisor was not involved in or witness to the NCUOF.

Status

The OIG contacted Civil Rights Integrity Division (CRID) who indicated the Department would be revising existing Department procedure relating to NCUOF investigations. The SO delineating the new procedure to include the establishment of two classifications (Class I and Class II)¹ for NCUOF investigations is expected to be published within a few months. The Department will also be revising procedure for processing allegations of unauthorized force related to NCUOF investigations.

2. Recommendation

Revise the NCUOF Face Sheet to incorporate controls that require the Investigating Supervisor to indicate an arrival and departure time at the scene of the incident. The controls should also allow for the assessment of the Investigating Supervisor's timely response to the scene in order to conduct an adequate investigation.

Status

The OIG contacted CRID for the status of this recommendation. Per CRID, the Master Action List indicates this recommendation will be adopted pending further research.

3. Recommendation

Develop an on-line database that assigns a tracking number at the time of the NCUOF incident.

Status

The OIG determined that this recommendation is in the research stage to determine feasibility and implementation.

4. Recommendation

Create a Use of Force (UOF) Procedures Guide that includes detailed instructions for the completion of the NCUOF Face Sheet and narrative, as well as Department-approved terminology for all types of force.

¹ NCUOF investigations assigned a Class I classification will pertain to the more serious uses of force, which will require tape recording of witness interviews, while the Class II classification will pertain to all other less serious uses of force.

Status

The OIG contacted the Use of Force Review Section (UOFRS) to verify the status of the Use of Force Procedures Guide. The UOFRS indicated that a Training Bulletin is forthcoming that will provide UOF guidelines, policy, and procedure.

5. Recommendation

Evaluate the liability associated with utilizing paraphrased statements and consider alternative methods of capturing witness statements, such as requiring the tape recording of all witness statements.

Status

The revised SO will address this recommendation by requiring the tape recording of all witness statements for NCUOF investigations that have been classified as Class I. Class II NCUOF investigations will utilize the officer's statements rather than including non-Department witness statements.² The OIG concurs with this procedural change and agrees that witness statements that do not involve conflict with the officer's version of an incident have little value.

The OIG noted that Audit Division did not provide the status of several recommendations from the previous supplemental audit. The recommendations are as follows:

- The Department should form a focus work group to explore the desirability of continuing the requirement that investigating supervisors complete NCUOF investigations prior to their end of watch.
- The Department should strictly enforce current requirements regarding the utilization of the Internal Process Report comment section. Specifically, that comments must be consistently signed or initialed and dated in order to adequately document deficiencies that are discovered during review cycles, and to track the timeliness of processing the investigations.
- The Department should consider allocating specific supervisory personnel whose primary function would be to act as administrative NCUOF coordinators at the Area level.

² Class I NCUOF investigations will be categorized by four criteria. The criteria include uses of force where the officer's version conflicts with that of other witnesses, uses of force that contain allegations of unauthorized force, uses of force where the injuries conflict with the level of force used, or uses of force with serious injuries that do not rise to the level of a Categorical UOF. Class II NCUOF investigations will cover all other NCUOF incidents.

Due to time constraints, the OIG did not independently verify the status of the recommendations.

IV. OVERVIEW OF THE DEPARTMENT AUDIT

Audit Division identified and reviewed 148 NCUOF incidents that occurred during February 2003, for compliance with the mandates set forth in the CD. Audit Division noted that although significant improvements had been implemented for tracking NCUOF investigations, the Department's current tracking system is faulty. In attempts to verify completeness of the population, Audit Division obtained copies of the Use of Force Summary Reports for all Areas from each Bureau and compared them with the UOFRS' database. The UOFRS' database included 14 additional NCUOF investigations that were not included in the Summary Reports.

Audit Division evaluated the NCUOF investigations by using seven objectives: completeness; authenticity; underlying actions for appropriateness, legality, and conformance with Department policy; evaluation of supervisory oversight and post-incident review; timeliness of the investigation; completeness of the evidence, and accuracy of investigator summaries. Department compliance with the stated objectives was achieved when 95 percent of the reports met the standards of compliance.

Audit Division found the Department to be in compliance with completeness; authenticity; underlying action; timeliness of the investigation; completeness of evidence; and, adequacy of the investigation. The Department was found non-compliant in the area of Supervisory Oversight. Audit Division withheld a determination for compliance in accuracy of investigator summaries because it was unable to locate several tape recordings for comparison. Audit Division found that compliance rates have improved, however, noted a significant number of administrative errors Department-wide (inconsistencies in dates, times, names, locations, and records numbers). The errors were attributed to the design of the NCUOF Face Sheet and/or to an inadequate post-incident review of the investigation.

V. METHODOLOGY

The OIG reviewed Audit Division's NCUOF Reports Audit, Second Quarter FY 2003/2004, for quality, completeness, and findings. The OIG also reviewed Audit Division's working papers and a randomly selected sample of 71 of the 148 NCUOF reports audited by Audit Division.³ The OIG utilized the same matrix and "crib sheet" utilized by Audit Division to identify any anomalies.

³ Audit Division indicated that the number of NCUOF reports that were generated during February 2003, totaled 150 reports. Of those 150 reports, two reports documented accidental TASER discharges and were not examined for compliance. Audit Division's final audit population totaled 148 reports.

Additionally, the OIG reviewed the Training, Evaluation, and Management System (TEAMS) reports of each employee involved in each NCUOF incident, to ensure the accuracy of said reports with regard to both the UOF and any training recommended as a result of the NCUOF investigation.

Finally, the OIG conducted a review of the NCUOF investigations included in the OIG population to determine whether any of the UOF investigations resulted in the initiation of a personnel complaint investigation.

VI. FINDINGS

The OIG determined that Audit Division's audit of NCUOF investigations was comprehensive and meticulously planned. The audit plan adequately provided a detailed methodology including the definitions, measures and standards for each objective. Audit Division developed a new, more comprehensive matrix and corresponding crib sheet that includes critical questions to appropriately identify non-compliance with the mandates of the CD as well as Department policy and procedure. The OIG did find, however, that some of the matrix questions were ambiguous and resulted in different responses by both Audit Division and the OIG's auditors. Furthermore, the OIG found that the crib sheet did not always provide the guidance necessary to evaluate the policy, procedure, or CD mandates it was designed to examine.

The OIG identified some minor administrative errors made by Audit Division in its assessment of the NCUOF investigations. The errors noted did not change the ultimate adjudication of the NCUOF investigation (See Appendix A for detailed findings).

Completeness of the Audit Population

Audit Division put forth significant efforts to ensure the completeness of the audit population. As previously noted by Audit Division, the OIG, and the Independent Monitor, the Department's current tracking system is faulty and cannot be relied upon to accurately document the correct number of NCUOF incidents that have occurred during any given time period. For this reason, Audit Division conducted additional tests that included a review of Watch Commander's Daily Reports, Sergeant's Logs, Area tracking systems, arrest reports and personnel complaints, to ensure that the sample population was complete.

The OIG believes that until the various recommendations made by Audit Division, the Independent Monitor, and the OIG, regarding improvements to the UOF tracking system, are implemented, ensuring an accurate and complete audit population will continue to be a labor intensive enterprise.

Significant Findings by Objective

The OIG's findings by objective are as follows:

Objective No. 1 – Completeness

Completeness of each report was evaluated by Audit Division's review of the report to ensure that all documentation required to assess the report for compliance was contained therein.

Based on a review of its sample population, the OIG concurs with Audit Division's finding that the Department was in substantial compliance with the Completeness objective as all necessary documents were included with the NCUOF investigation. The OIG identified one incomplete NCUOF investigation as follows:

UOF Key No. 05-0667 (West Valley Area) – This incident involved a suicidal individual who had approximately four knives in his/her possession. The individual was taken to the hospital for injuries related to a TASER that was deployed on him/her and was subsequently placed on a 72-hour hold (Health and Safety Code, Section 5150). The NCUOF investigation (page 14) indicates that all available evidence was collected and preserved. However, Audit Division determined through follow-up that the knives were not booked and instead were returned to their rightful owner. Subsequently, a Property Report was not completed. Audit Division concluded that it was not necessary to book the knives therefore, a Property Report was not required. The OIG disagrees with that conclusion. Department Manual Section 4/260.25, requires that *“When a person is taken into custody because of his or her mental condition and is in possession of a firearm or other weapon, the firearm or weapon shall be seized and booked as evidence.”*

Objective No. 2 - Authenticity

Audit Division evaluated the authenticity of each report and the information contained therein by assessing the existence or absence of canned language, inconsistent information, lack of articulation of the legal basis to use force, and other indicia that the information in the NCUOF was not authentic or correct.

2a. Canned Language

Because of limited staffing and time constraints, the OIG was unable to perform the same test used by Audit Division to evaluate reports for evidence of canned language among the NCUOF reports. However, the OIG would like to commend Audit Division for the effort put forth in evaluating additional reports for the use of canned language by any Department employee(s).

Although the OIG did not evaluate the use of canned language, the OIG did review the NCUOF reports for evidence of copying and pasting. These findings are detailed in the *Other Related Matters* section of this report.

2b. Inconsistent Information

Audit Division reviewed the NCUOF reports for significantly inconsistent facts within the UOF investigation and the primary report that caused the authenticity of the investigation to be questioned.

Based on a review of its sample population, the OIG concurs with Audit Division's finding that certain NCOUF reports contained inconsistencies in the documentation of force used.

2c. Articulation of Legal Basis

All NCUOF reports were assessed by Audit Division to ensure that the legal basis for using force was clearly articulated as reasonable to effect arrest, prevent escape, or overcome resistance as established in the California Penal Code, Section 835(a).

Based on a review of its sample population, the OIG concurs with Audit Division's finding that the UOF reports appropriately documented the legal basis for the force used.

2d. Other Indicia that the Information is Not Authentic

Audit Division examined the NCUOF reports for any indicia that the information contained therein was either incorrect or inauthentic.

Based on a review of its sample population, the OIG concurs with Audit Division's findings that there was no indication that the information contained therein was either inauthentic or incorrect.

Objective No. 3 – Evaluation of Underlying Actions and Conformance to Department Policy

The criteria utilized by Audit Division to evaluate underlying actions was a review of each NCUOF package to determine if all actions taken were appropriate, legal, and consistent with Department policy.

Based on a review of its sample population, the OIG concurs with Audit Division's ultimate finding of compliance regarding the appropriateness and legality of underlying actions as it relates to the initial contact with the person upon whom force was used; the

detention of the suspect; the arrest of the suspect; the use of force relative to Department policy; and, the appropriate issuance of a verbal warning according to Department policy. The OIG did identify the following discrepancy not identified by Audit Division:

UOF Key No. 05-0737 (77th Area) – In this incident a TASER was used and the investigation notes that a warning was not issued prior to the use of the TASER. The investigation does not note however why the warning was not issued. Audit Division reasoned that although no warning was given, it was clear through the officer's statements that due to the suspect's sudden action, there was no time to give a warning. The OIG believes, however, that the investigation should have clearly articulated the reason for not issuing the required warning.

Objective No. 4 – Supervisory Oversight of the Incident and Post Incident Review

Audit Division's review of this objective was divided into two components – Supervisory Oversight of the Incident and Post-Incident Review of the Incident. The actions of sergeants or above were examined for the appropriate application of Department guidelines and the law when managing any and all aspects of a NCUOF incident, including a review of the incident.

4a. Supervisory Oversight of the Incident

Audit Division conducted an evaluation of the actions taken by any supervisor who directed, controlled, witnessed, or participated in the NCUOF to determine whether Department policies and the law were applied.

The OIG concurs with Audit Division's ultimate finding of non-compliance with respect to Supervisory Oversight. The OIG disagreed with Audit Division's evaluation and ultimate conclusion on the following incidents:

UOF Key No. 05-0720 (Hollenbeck Area) – In this incident a supervisor who participated in the pre-planning of the arrest of the suspect that resulted in a use of force, conducted the NCUOF investigation. Audit Division found it appropriate for the supervisor to conduct the investigation because he/she did not witness, direct, or participate in the UOF. The OIG disagrees with Audit Division. The OIG believes that a supervisor that has participated in the pre-planning of an operation that results in a UOF is not "an uninvolved supervisor." The OIG believes the purpose of the Department policy relating to NCUOF investigations was to ensure that the investigation is conducted by an impartial party, and by the mere fact that the supervisor pre-planned the arrest or other operation does not make him/her an impartial party. The OIG understands that supervisory resources are already stretched amongst numerous tasks and at times locating an uninvolved supervisor may prove difficult. The OIG contacted CRID who contacted Training Group for an expert opinion on this issue. Training Group agreed that the OIG's

conclusion was correct and that Department policy and procedure relating to NCUOF investigations will be revised to clarify that in incidents that result in a UOF, “supervisors involved in the pre-planning of an event that ultimately results in a UOF” are precluded from conducting the UOF investigation.

UOF Key No. 05-1168 (Harbor Area) – In this incident the supervisor involved in a Vice operation that resulted in a UOF, conducted the investigation. Audit Division found it appropriate for this supervisor to conduct the UOF investigation because he/she did not witness, direct, or participate in the UOF. For the same reasons noted above, the OIG does not believe it is appropriate for this particular supervisor to have conducted the investigation.

4b. Supervisory Overview of the Post Incident

Audit Division examined all NCUOF reports to evaluate the quality of the post-incident review of the incident.

The OIG concurs with Audit Division’s findings regarding Post-Incident Review of the Incident, specifically whether the investigating supervisor rendered an opinion on whether injuries sustained by the suspect as a result of the UOF were consistent with the force used; the actions of all supervisors who witnessed, directed or participated in the UOF were commented upon; training was provided each time that a NCUOF report documented recommended training; and all significant deficiencies were caught and addressed during the post-incident review. The OIG identified two NCUOF incidents that lacked post supervisory review that were not identified by Audit Division (See Appendix B for detailed findings).

Objective No. 5 – Timeliness of the Investigation

Timeliness of the investigation was defined by Audit Division as documentation that division management reviewed the investigation within 14 days of the incident as mandated by the CD. Failure to meet this mandate required documentation to include specific verbiage that the review was completed within a period of time reasonably necessary to correct a deficiency.

The OIG concurs with Audit Division’s ultimate finding of compliance as it related to timeliness of the Investigation. Audit Division identified five NCUOF investigations in which they concluded that the Area Commanding Officer (C/O) did not review the NCUOF reports within 14 days of the incident, and no explanation for the delay was provided in the report. Based on a review of its sample population, the OIG concurs with Audit Division’s finding with respect to three of the NCUOF reports noted. The OIG found that the other two reports were, in fact, reviewed within the 14-day requirement, as follows:

- **Use of Force Key No. 05-0636 (Southwest Area)** - The OIG noted that the incident occurred on February 14, 2003, and was reviewed by the C/O on February 27, 2003, within 13 days.
- **Use of Force Key No. 05-0654 (North Hollywood Area)** - The OIG noted that the incident occurred on February 26, 2003, and was reviewed by the C/O on March 4, 2003, within six days.

Objective No. 6 – Completeness of Evidence Documentation

The criteria utilized by Audit Division to evaluate this objective required that all evidence indicated within the NCUOF package be handled and documented according to Department policy. Based on a review of its sample population, the OIG concurs with Audit Division finding the Department in compliance regarding Completeness of Evidence Documentation.

Objective No. 7 – Statements (Recorded)

Audit Division confined the application of this objective to those NCUOF investigations that included taped statements in addition to summarized statements. Audit Division withheld a determination on compliance with this requirement due to insufficient data. The OIG, as did Audit Division, had difficulty locating numerous tape-recorded interviews, however, the OIG conducted tape reviews of the available recordings and identified the following discrepancies.

UOF Key No. 05-1265 (Detective Support Division) – This tape contained discrepancies between the Investigating Supervisor’s summary and the actual tape-recorded interview. The tape-recorded interview of the suspect and witnesses were not accurately summarized, and all inconsistencies between the involved officers, suspect and witnesses were not addressed. For example, a witness indicated that the officers pushed the suspect against the fence. The officers’ statements do not reflect any activity involving a fence. Although, the Investigating Supervisor did not address the “push” during the officer interviews, he/she indicated the suspect was placed against the fence.

UOF Key No. 05- 1052 (Valley Traffic Division) – The Investigating Supervisor did not accurately summarize the suspect’s recorded statement. Both officers’ statements do not indicate the officers smelled the odor of alcohol on the suspect’s breath as indicated in the Incident Overview. The recorded statement does not reveal that the suspect said he had had four beers, and that he apologized to the officers as is documented in his/her summarized statement.

Objective No. 8 – Adequacy of the Investigation

Audit Division assessed the Adequacy of the Investigation by examining the inclusion or exclusion of group interviews; interview of at-scene supervisor with respect to conduct at the scene of the UOF; canvassing the scene for witnesses; and ensuring an uninvolved supervisor/employee conduct the NCUOF investigation and any allegations of misconduct.

8a. Group Interviews

Audit Division noted that no inappropriate group interviews were conducted. The OIG identified the following:

UOF Key No. 05-0589 (Central Area) – In this incident, the Investigating Supervisor conducted an interview of two non-Department witnesses where both witnesses answered when questions were posed, resulting in a interview that was not independent, but instead appeared to be influenced by either witnesses' answer.

UOF Key Nos. 05-0510 (Northeast Area), and 05-0680 (Pacific Area) –In these two incidents, the OIG was unable to determine if a group interview was conducted. Although most interviews in both reports contained documentation that the interviews were conducted independently, the Investigating Supervisor neglected to document that fact in two interviews, in both reports.

8b. Interview of At-Scene Supervisors

Although Audit Division's findings indicated that all supervisors were interviewed regarding their conduct at the scene of the UOF, the OIG identified the following discrepancy regarding the interview of at-scene supervisors.

UOF Key No. 05-0720 (Hollenbeck Area) – In this incident, an at-scene supervisor conducted the UOF investigation. Audit Division found that although this supervisor pre-planned the arrest of the suspect, he did not witness, plan, or participate in the actual UOF. The OIG believes that the supervisor should have been interviewed and further that he/she should not have conducted the investigation for the reasons previously noted under Objective No. 4A.

UOF Key No. 05-1168 (Harbor Area) - In this incident, the supervisor involved in a Vice operation that resulted in a UOF, conducted the investigation. Audit Division found it appropriate for this supervisor to conduct the UOF investigation because he/she did not witness, direct or participate in the UOF. For the same reasons noted above, the OIG does not believe it is appropriate for this particular supervisor to have conducted the investigation. The OIG further believes the

supervisor should have been interviewed regarding his/her conduct at the scene of the UOF.

8c. Canvassing the Scene for Witnesses and Ensuring an Uninvolved Supervisor Conducted the Investigation

The OIG concurs with Audit Division's finding of compliance with regards to canvassing the scene for witnesses. As it relates to Department policy that an uninvolved supervisor investigate the use of force, the OIG identified the following NCUOF incidents, in which the supervisor who conducted the investigation was involved in the pre-planning of the operation:

UOF Key No. 05-0720 (Hollenbeck Area) – As previously noted under Objective Nos. 4A and 8B, this supervisor was at the scene of the UOF and had pre-planned the arrest of the suspect involved in the UOF.

UOF Key No. 05-1168 (Harbor Area) – The OIG believes that in this incident, the supervisor who conducted the UOF investigation, was not an uninvolved supervisor and should not have conducted the investigation.

8d. Investigating Allegations of Misconduct

Audit Division found that there were no allegations of misconduct identified that were unrelated to the UOF. The OIG concurs with this assessment.

Other Related Matters

Training, Evaluation, and Management System (TEAMS)

The OIG reviewed the TEAMS reports of all officers identified on the UOF Face Sheet as being involved in the UOF. Of the 71 NCUOF reports reviewed, 11 (16%) contained errors and/or omissions on the TEAMS reports (See Appendix C for detailed findings). Correspondence was forwarded to the C/O, Training Group, to update the TEAMS reports of all involved officers.

Training Recommended as a Result of NCUOF Incidents or Investigations

The OIG also reviewed for its sample population each involved officer's TEAMS report and concurs with Audit Division's findings with regard to training.

Copying and Pasting

Audit Division identified evidence of the use of copying and pasting in the NCOUF reports, however, they determined that the copying and pasting was not inappropriate. A

review of the OIG's sample population identified several reports involving inappropriate copying and pasting. While the use of copying and pasting is not necessarily evidence of an inauthentic report, the almost identically worded statements by two different Department employees could cause the appearance of inauthentic or false reporting (See Appendix D for detailed findings).

Attendant Reports Not Approved by Investigating Supervisor

Based on a review of the OIG's sample population, the OIG concurs with Audit Division's findings that the requirement established in SO No. 27, 2001, that the investigating supervisor approve all reports related to the NCUOF incident continues to be problematic. The OIG further concurs with Audit Division that the Department must review and resolve the existing conflicts in procedure as it relates to SO No. 27, 2001 and Administrative Order No. 3, 2000, which prohibits supervisors of Special Enforcement Units from approving arrest reports.⁴

NCUOF Face Sheet Inconsistencies

Based on a review of the OIG's sample population, the OIG as did Audit Division identified a significant number of discrepancies on the NCUOF Face Sheets when compared to the NCUOF report and the attendant primary report. The OIG concurs with Audit Division's findings with respect to the four specific areas of concern (documentation of the verbal warning requirements; documentation of suspect injuries; terminology documenting the types of force used; and, documentation of numeric information) addressed in this audit.

VII. POST AUDIT MEETING WITH AUDIT DIVISION

A post audit meeting was held with Audit Division on April 1, 2004, to discuss the OIG's findings. Audit Division did not always concur with the OIG's findings particularly with respect to UOF Key Nos. 05-0667, 05-0720, 05-1168, and 05-1265. As it relates to UOF Key Nos. 05-0720 and 05-1168, Audit Division believes that it was appropriate for the Investigating Supervisors that were involved in the pre-planning of the operation, to conduct the NCUOF investigation because he/she did not witness, direct, or participate in the UOF. Audit Division believes that if the Department had sufficient staffing of supervisors, it would be ideal that a supervisor not involved in the pre-planning of an operation conducts the investigation, however, as it stands Department staffing resources are depleted. In UOF Key No. 05-0667, Audit Division concluded that a Property Report was not required. The OIG believes this to be a violation of Department Manual Section 4/260.25. Audit Division does not concur with the OIG's findings as it relates to UOF Key No. 5-1265, in which the OIG concluded an inaccurate summary of the tape recorded interview of the suspect and witnesses, and the inconsistencies between the

⁴ In its NCUOF Reports Audit, dated March 24, 2004, the OIG also notes the conflict in procedure.

involved officers, suspect, and witness were not addressed by the Investigating Supervisor.

VIII. CONCLUSION

The OIG found that overall, Audit Division conducted a complete and well-designed audit that examined all procedural compliance issues identified in CD ¶¶ 128 and 129. The NCUOF reports were evaluated for completeness of the information contained and an authenticity review to include an examination for canned language, inconsistent information, and lack of articulation of the legal basis for the applicable action or other indication that the information in the document is not authentic or correct. The audit also assessed whether the underlying action was appropriate, legal, and in conformance with Department procedures and an evaluation of supervisory oversight of the incident. Additionally, the audit assessed the timeliness of completing the investigation, and the requirements of ¶¶ 69, 80(c), (e), (f), 81 and 82, where applicable, the completeness of the investigation files, including whether the files contained all appropriate indicia and documentation.

Audit Division properly followed-up on all issues it identified that required immediate action by the Department. The OIG further found that the recommendations made by Audit Division are sound and will further ensure the Department moves closer to compliance with the mandates of the CD.

IX. RECOMMENDATIONS

The OIG concurs with Audit Division's recommendations pertaining to Areas and Bureaus submitting revised Use of Force Summary Logs as additional investigations are discovered; instituting a codified system to track and store all recorded statements taken in NCUOF investigations to ensure availability for review; and Bureaus ensuring that Areas submit NCUOF reports that include documentation of the status of all recommended training.⁵

X. ACTION TAKEN

Correspondence was forwarded to the appropriate commanding officer for appropriate action.

⁵ Several recommendations made in previous audits by Audit Division and the OIG's NCUOF investigations audit (CD ¶ 136), are still pending and are currently being researched by the Department for implementation. It is anticipated that the new SO revising procedure for NCUOF investigations will address many of the issues identified in the various audits.

APPENDIX A**Administrative Issues**

UOF KEY NO.	AREA/DIVISION	ISSUE
05-0517	Operations-Central Bureau Task Force	Audit Division indicated the suspect's injuries were photographed. The OIG found that the investigation did not include any photographs. The OIG further notes that that the suspect did not sustain any injuries, however the lack of injuries should still have been photographed.
05-0576	Pacific Area	Audit Division indicated Not Applicable – the suspect sustained no injuries and no photos were taken. There were photos taken of the suspect's lack of injuries.
05-0617	77th Area	The OIG found that the suspect sustained no injuries and no photographs were taken. Audit Division incorrectly indicated that although the suspect did not sustain any injuries, the lack of injuries were photographed.
05-0667	West Valley Area	Audit Division incorrectly responded to the matrix question that there was probable cause to arrest the suspect, however the suspect was not arrested.
05-0775	West Valley Area	Audit Division incorrectly responded to the matrix question that there was probable cause to arrest the suspect, however the suspect was not arrested.
05-0713	West Valley Area	Although the UOF report indicated that recommended training be provided to the officers, Audit Division indicated no training was recommended.
05-1019	Jail Division	Audit Division indicated the suspect's injuries were photographed, however the OIG was unable to locate any photos. Auditor's follow-up revealed that the photos were lost and could not be reconstructed. It appears Audit Division responded to this question although photographs were never included in the investigation.
05-1168	Harbor Area	Audit Division noted that lack of injuries was photographed, however no photos of the suspect were located in the NCUOF package.

APPENDIX B

Post Incident Review of the Incident

UOF KEY NO.	AREA/DIVISION	ISSUE
05-0810	Transit Rail Division	The investigation does not include an assessment by the Investigating Supervisor documenting the suspect's injuries and whether they were consistent with the use of force. Audit Division found that an opinion was documented from an appropriate level of review. The OIG was unable to locate such an opinion, and therefore, does not concur with Audit Division.
05-0667	West Valley Area	The investigation did not document the lack of photos of the suspect's injuries. Audit Division offered the explanation that the lack of photos of the suspect's injuries could have been because the suspect was female and would have had to take off her clothes to photograph the injuries. The OIG believes the Investigating Supervisor should have articulated why the suspect's actual injuries and/or lack of injuries were not photographed.

APPENDIX C**Training, Evaluation, And Management System (TEAMS)**

UOF KEY NO.	AREA/DIVISION	ISSUE
05-0310	Southwest	Takedown, firm grip and martial arts noted on UOF Face Sheet (page 2), and not on TEAMS report.
05-0510	Northeast	Twist lock noted on UOF Face Sheet (page 2) and not on TEAMS report.
05-0526	Newton	TEAMS report indicates firm grip, while investigation indicates "C" grip.
05-0576	Pacific	Hobble Restraint not noted on TEAMS for Serial No. 35843.
05-0654	North Hollywood	Firm grip noted on TEAMS report and not noted on UOF Face Sheet (page 2).
05-0680	Pacific	Firm Grip listed on TEAMS report but not noted on UOF Face Sheet (page 2).
05-0700	West Los Angeles	Firm grip on TEAMS report and not noted on UOF Face Sheet (page 2).
05-0756	Foothill	Bodyweight not on TEAMS report, however, noted on UOF Face Sheet (page 2).
05-1015	Southeast	TEAMS reports indicates firm grip, UOF Face Sheet (page 2) indicates twist lock.
05-1168	Harbor	Firm grip, twist lock noted on TEAMS report and not on UOF Face Sheet (page 2).

APPENDIX D

Other Related Matters – Copying and Pasting

UOF KEY NO.	AREA/DIVISION	ISSUE
05-0506	Hollenbeck Area	The OIG found the use copying and pasting to be excessive and therefore inappropriate.
05-0517	Operations-Central Bureau Task Force	The OIG found the use copying and pasting to be excessive and therefore inappropriate.
05-0526	77th Area	The OIG found the use copying and pasting to be excessive and therefore inappropriate
05-0529	77th Area	The OIG found the use copying and pasting to be excessive and therefore inappropriate.
05-0573	Hollywood Area	The OIG found the use copying and pasting to be excessive and therefore inappropriate.
05-0737	77th Area	The OIG found the use copying and pasting to be excessive and therefore inappropriate
05-0775	West Valley Area	The OIG found the use copying and pasting to be excessive and therefore inappropriate.