



RAMPART Reconsidered

The Search for Real Reform Seven Years Later

Executive Summary

**Blue Ribbon
Rampart Review
Panel**

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Chief William J. Bratton

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*All of the dedicated
LAPD officers and
employees who gave
their time and insight
to this Panel in
order to improve the
department.*

This report is dedicated in memoriam to Edgar Hugh Twine

Introduction

In 1999, allegations by a convicted former Los Angeles Police Department Rampart C.R.A.S.H.¹ officer of widespread police abuse and corruption exploded into Los Angeles headlines. The charges that he and dozens of fellow officers routinely framed suspects, planted evidence, fabricated probable cause, lied in court and physically abused suspects swept the City and the department into one of the most debilitating police corruption crises in Los Angeles history.

The scandal was not that a few officers had stolen drugs and framed suspects—perennial risks that all police departments face. It was the scale of the abuses, if even by a few, the impunity with which abusers could act, and the cover afforded their crimes by the department’s culture and the City’s chronic inability to exert control over LAPD. The CRASH crisis torpedoed the integrity of the entire Los Angeles criminal justice system and placed LAPD under the jurisdiction of a federal court and Consent Decree.²

This report is a post-CRASH check-up. It answers the question posed by the Los Angeles Police Commission and Chief of Police William J. Bratton to this Blue Ribbon Rampart Review Panel in 2003: Did the Los Angeles Police Department and the City of Los Angeles fix the underlying causes of the most consequential police corruption scandal in Los Angeles history; and if not, what actions are needed to do so?³

The answer is simple in some respects and complex in others. To a large degree, this report reflects the blunt introspection of the

foremost experts on LAPD: its retired and current officers, command staff, union leaders and civilians. The verdict from scores of officers is in: most post-scandal reforms currently being implemented are useful, but they will be insufficient to lock in current successes, prevent another CRASH crisis, resolve LAPD’s long-standing problems or begin to close the public-police trust gap in high crime areas. A significant number of LAPD’s most knowledgeable commanders, officers and leaders of the rank and file interviewed by this Panel concur with outside critics that these goals will require much deeper changes within LAPD—and a complete overhaul of the City’s deficient “thin blue line” public safety model.

This Panel agrees with their assessment. In 2006, the department is on the right road. It has the right leadership and they are making needed changes under their own aegis and the federal Consent Decree. But these improvements will not revise the mindset, customs and codes that

reverse most reforms and seed CRASH-like or Rodney King-like crises.

The bottom line? Seven years after the scandal, the CAT scan shows great progress; but the colonoscopy shows polyps.

The road to full recovery lies ahead. But the journey is not LAPD’s alone. It requires transformative change from institutions across the board—from City Hall to the halls of criminal justice; from the

“ [T]he problems at the [LAPD]’s Rampart Division are cultural in nature, the result of an institutional mind-set first conceived...to survive repeated attacks from outside the department. Unless this police culture is overthrown, future Rampart scandals are inevitable. ”

David D. Dotson, former LAPD Assistant Chief,
“LAPD Corruption: A Culture of War” *Los Angeles Times*, February 27, 2000

Timeline

Color Key

- Relating to LAPD
- Relating to other LA agencies
- High Profile Incidents
- Prior public reports on LAPD
- Relating to Consent Decree
- Relating to this Blue Ribbon Panel

12.89

Rafael Perez appointed to LAPD.

03.03.91

King Beating. LAPD officers are videotaped beating motorist Rodney King with their batons after King led them on a car chase.

07.10.91

Christopher Commission publishes its report in the wake of the Rodney King beating, recommending broad reforms for LAPD, including creation of the Office of Inspector General.

school board to the parole board; from the body politic and from the families whose gun-toting relatives terrorize residents of LA’s violence racked neighborhoods. This report is not just calling for LAPD to finish fixing itself, but also for the City to confront the unsettling truth that it gets the policing it asks for and funds. Until the City ends the chronic anorexia of “thin blue line” public safety—a safety-on-the-cheap model that delivers public safety in neighborhoods on the right side of that line and containment-suppression in neighborhoods that are not—there will be limits to what police reform can achieve. And if the City continues its failure to heed the 40-year-old mandate of the McCone Commission to end the devastating “spiral of failure” that seeds police-public eruptions and corruption, then it can expect more of both.⁴

The Context for this Report

This report is the latest in a long line of tomes about this City’s century-old struggle with its police department and public safety.

“ Since joining [LAPD]... I have been focused on one job: that of rebuilding... trust between LAPD and the communities it is sworn to protect and serve, while at the same time rebuilding trust between officers and their department. ”

Chief William J. Bratton

As an analysis of a crisis, it necessarily focuses on failures—and not just in LAPD but in several other criminal justice institutions as well. It should not, however, be misread as a condemnation of department leaders, officers, command staff, union leaders or civilians. On the contrary—Chief Bratton insisted on this review and scores of LAPD staff offered unflinching criticism of

themselves and the department in hopes that this report will lead to the deeper changes they believe are needed. Indeed, this report affirms the department’s considerable advances and confirms the conclusions of key LAPD leaders that current recovery and reform efforts are good, but insufficient to lock in recent successes, prevent another CRASH crisis, or resolve LAPD’s other longstanding problems that block closing the public-police trust gap in high crime areas. Without the drive of LAPD leaders from command, rank and file, retired officers and police unions, this opportunity to fortify the reform agenda would not exist. If this department ever finds its way to fighting crime while winning trust—without bias, brutality or corruption—it will be because these officers and LAPD’s current leadership cared more about digging deeper to finally “get it right” than the political costs of doing so.

“ We’re making the same mistakes and haven’t made the deeper fixes really needed to head off another Rampart or Rodney King. We’ve got one last chance to get it right... and not much time to do it. ”

LAPD Detective, more than 25 years on force

Seven Years Later: at the Crossroads

Seven years after the CRASH crisis, the City of Angels and its police department are at a crossroads. The direction chosen will determine whether the Los Angeles criminal justice system fully recovers from the CRASH crisis or simply moves beyond it until the next scandal. As the Chief of Police puts it:

04.29.92

Riots erupt in Los Angeles hours after a jury acquits four white LAPD officers in beating of Rodney King.

06.92

Voters approve ammendment to LA City Charter limiting Chief of Police to two terms.

06.30.92

New LAPD Chief. Chief Daryl F. Gates retires, and Willie L. Williams becomes Chief of LAPD.

04.95

Office of Inspector General created. Voters approve ammendments to LA City Charter, creating position of LAPD Inspector General.

08.95

Rafael Perez joins Rampart CRASH.

“We are at the fork in the road where we can now take the high road and improve our relationships with the people we serve rather than continue the practices that lead to tension and mistrust. It is not enough to continue to drive crime down, we must at the same time, through compassionate and constitutional policing practices, improve the relationship between the police and the public we serve. This is particularly true in our poorest and most disadvantaged neighborhoods. It won’t be easy. It’s hard work, but if we keep trying, I believe the role of the police will evolve from distanced protector and rapid responder to a true partner and catalyst for meaningful social change.”⁵

This report is about that fork in the road, and the roadmap to “high road” public safety—a framework that provides better conditions for officers, better insurance against corruption and brutality, and, for the first time, citywide public safety and public-police cooperation. The good news is that the federal Consent Decree and the Chief’s *Plan of Action for the Los Angeles That Is and the Los Angeles That Could Be* offer the basic plot-scan for such a map. Even better news is that officers who transformed Rampart Division have shown the department how to achieve high road policing that inspires officers, thwarts corruption and generates community trust. This Panel proposes to join these and other LAPD change agents to co-chart actions needed to take the policing demonstrated in the Rampart turnaround department-wide and make the changes needed to arrest the department’s deeper problems at their source.

The Rampart Recovery: The Right Fork in the Road

In 2003, Chief Bratton ordered LAPD command and Rampart Area leaders to finish vetting the scandal-scarred division and start cleaning up its crime-ridden MacArthur Park. The new leadership team went beyond mop-up, however, to install an unorthodox crime fighting model that replaced LAPD’s traditional paramilitary intimidation policing with strategic collaboration that increased resources, won political and community cooperation, reduced crime, and cleaned up MacArthur Park.⁶

“ Search and Destroy wasn’t working. We had to try something else that didn’t make the community hate us. ”

LAPD Supervisor Involved in the Rampart turnaround over 20 years on force

This community-savvy model, the attributes of which are detailed in the main report, demanded accountability from both supervisors and officers, but above all, it demanded leadership. At the revamped Rampart, supervisors did not evade standards but enforced

them. Officers knew that disrespect to the public would be reprimanded, misconduct punished, corruption rooted out and brutality prosecuted. As importantly, leaders made clear that creative problem solving and community work that reduced crime and generated trust would be rewarded as much or more than high arrest tallies.

This model changes how officers think and carry out their jobs. An officer with this problem solving mindset would not watch an elderly lady laden with grocery bags struggle to cross a boulevard

05.96

Merrick Bobb issues “Five Years Later,” a report on LAPD’s progress five years after Christopher Commission Report.

6.96

Office of Inspector General becomes operational. Katherine Mader assumes IG position.

10.12.96

Ovando Shooting. Rafael Perez and Nino Durden shoot unarmed gang member Javier Ovando then lie to cover it up. Ovando is subsequently convicted of assaulting a police officer, and sentenced to 23 years in prison.

05.97

According to Perez, he and his partner Nino Durden first keep drug money they recovered from a narcotics arrest.

05.17.97

Willie Williams steps down as Chief of Police. Assistant Chief Bayan Lewis takes over as Acting Chief of Police.

against a short walk light and then hand the exhausted woman a jaywalking ticket; she would halt traffic, carry the lady’s bags, help her across and then see to it that the City extended the walk signal time.

As a result of the police-community joint venture, MacArthur Park is safe enough for families to sit and play in its fields after sunset. Even local gang members and gang intervention workers interviewed by the Panel grudgingly agreed that officers from the reformed Division had reclaimed the park “the right way” and were more professional than gang officers in adjacent divisions.

The Significance of the New Rampart Leadership and Crime Fighting Model

Had this model been in effect in the early 1990s, CRASH misconduct likely would not have metastasized into crisis. CRASH rogues would have been stopped because supervisors under this model do not indulge LAPD’s traditional “us versus them” and “ends justify the means” outlooks that excuse misconduct and shield excessive force. Nor would they have silenced the whistleblowers who tried to halt the antics of vaunted CRASH “hard chargers.” Supervisors under the new model respect officers and seek their ideas, but also reverse squad room resistance to accountability, spot check what officers are doing in the streets and cooperate with stings that identify corrupt cops. Had the new leadership been in place, supervisors would have neutralized two of the scandal’s strongest drivers: the “gunslinger” mindset and the political pressure for dramatic reductions in gang crime that

“It’s not often that a group of police officers can make a difference. We did it... People see something special is going on here and they want to be part of that.”

LAPD Lt., Rampart Area (on success of MacArthur Park)

licensed “no holds barred” tactics. These are just a few of the factors that fueled the scandal that the new model would have countered; more are detailed in the main report.

The New Rampart Leadership and Crime Fighting Model Is the High Road Policing that Will Reduce Corruption and Win Community Cooperation

The leadership and policing that turned around Rampart Division hold the key to preventing recurrence of CRASH-like conduct.

Unlike remedies that fail to counter LAPD’s dominant squad room/street culture, it arrests the problems at the right level—at the underlying mentality, core identity, peer cues, codes, and fears that drive squad room efforts to contravene controls and compensate for failed policy and weak leadership.

The Panel recognizes that the Rampart transformation is not manna from heaven. MacArthur Park is not Disneyland. The streets a few blocks over exhibit much of the dark activity driven from the Park. The area, while improving, hosts some of the City’s most dangerous gangs and is still dense with poverty and deep socio-economic needs. Not all officers buy into the approach and, like many in other divisions, dismiss it as “social work.” Citizen complaints continue. At least two Rampart officers have been caught in corruption stings mandated by the Consent Decree—with one officer apparently falsely pinning drug evidence on a “suspect” seven years after two former Rampart CRASH convicts admitted to routinely planting drugs on gang members.⁷

08.12.97

Bernard Parks becomes LAPD Chief of Police.

11.06.97

Mack bank robbery. LAPD officer David Mack is arrested for involvement in Los Angeles bank robbery. Officers interview Rafael Perez when they discover he went to Las Vegas with Mack a few days after the robbery.

02.26.98

Jimenez beating. Rampart CRASH Officers Brian Hewitt and Daniel Lujan bring 18th Street gang member Ismael Jimenez to the Rampart police station for questioning. Hewitt beats Jimenez

while handcuffed. Two officers, including Ethan Cohan, know about beating but do not report it.

03.02.98

Perez steals cocaine. Six pounds of cocaine are checked out from a property room at LAPD headquarters, under the name “Joel Perez.” LAPD quickly identifies Rafael Perez as the main suspect.

Other factors—like the area’s gentrification, gang injunctions and improved economy—played disputed roles in the recovery. And history supports warnings that the fairer treatment of officers and vigilance against corruption will recede once the change agents leave and resources decline. This is not the first time that Rampart Division has been resurrected from a nadir.⁸

It also is important to point out that, as detailed in endnote six, Rampart Division is not the only LAPD division with innovative leaders pioneering collaborative, problem solving pilot projects. And some of the most extraordinary LAPD leadership is found in South Bureau, where command staff have skillfully contained recent public-police confrontations and daily contend with

“ If it weren’t for the ‘round the clock shuttle diplomacy and damage control of [the Command Officer of South Bureau] we’d have already had a riot or street confrontations of some kind.”

LAPD Captain, 77th Street Area, more than 15 years on force (on efforts made to calm an angry public in the wake of controversial shootings in 2005)

daunting crime rates, deep public-police mistrust, and entrenched officer and community outlooks that obstruct the way to the policing showcased in the Rampart turnaround. These and other important caveats notwithstanding, it would be a mistake to dismiss the significance of this mindset and policing approach. It is a new genome that keeps the strengths of traditional LAPD policing and replaces the traps with qualities that improve its ability to check corruption and overcome longstanding problems that prevent the department from gaining the public trust it needs in high crime divisions.

This collaborative, problem solving leadership model should be the department standard. But it is not. The challenge is to get the rest of the department to buy into the outlook, skills and leadership used in the turnaround and to chart the changes in LAPD systems, resources and City policy needed to take the model department-wide.

It can be done. When the department’s rank and file agrees with a change, or better yet, creates the change, transformation can be swift, sweeping and sustained. In the early 1990s, officers in the LAPD Canine (K-9) Unit accepted the challenge by civil rights litigators⁹ to reduce the rates of dog bites and K-9 hospitalizations. When K-9 handlers were given the resources and mandate to determine how to achieve these reductions, they permanently transformed the dog unit. The alarmingly high dog bite and hospitalization rates plunged from 80% to 12% and from 41% to less than 1% respectively—in less than a year. Over a decade later, a leading lawyer for LAPD dog-bite victims confirms that the K-9 Unit has maintained the 90% drop in bite rates and the major changes in how the dogs are used.

“ It was never a dog problem. It was a cop problem. When the cops changed their attitude, the hospitalizations plunged along with the volume of our complaint calls. That was a 90% reduction or more. This was major change.”

Plaintiffs’ counsel, K-9 litigation specialist

LAPD routinely succeeds in changing its outer systems—department structure, policy, tactics, technology, assignments, training, equipment, etc. Leadership that moves mindsets and policing

03.14.98

A sergeant tries unsuccessfully to transfer Rafael Perez out of Rampart CRASH for insubordination. Perez is immediately reinstated and the sergeant gets transferred to Jail Division.

05.98

LAPD creates the Robbery Homicide Division Task Force to investigate Perez and possible connections to the Mack bank robbery.

07.01.98

DA Involvement. DA’s Office assigns a Deputy District Attorney to the RHD Task Force.

8.25.98

Rafael Perez is arrested and charged with theft and possession of cocaine.

11.98

Katherine Mader resigns as Inspector General amid contentions that the Police Commission had undermined the OIG’s independence and authority.

approaches that create trust are not routine. The fact that the deeper changes forged during the Rampart turnaround are not the department norm has a lot to do with why an unequivocal “yes” is not yet possible in answer to the question posed by the Police Commission and Chief Bratton to this Panel:

Did LAPD and the City fix the underlying causes of the most consequential police corruption scandal in Los Angeles history?

On the Surface, Things Look Fixed

A surface scan of the City seven years after the CRASH corruption crisis suggests that Los Angeles has moved beyond the scandal. In 2005, after settling the last of the scandal related civil cases, the City declared the debilitating crisis closed.¹⁰ And in a May 2006 editorial entitled “We’ve Changed,” Chief Bratton cited “tremendous strides” in reforming LAPD and noted that a new LAPD “is now recognized worldwide as a leader in ‘best practices policing.’”¹¹ In 2006, the scandal aftermath does seem over. LAPD has dynamic leadership that is moving the agency in the right direction. Recent Police Commissions and the federal court are viewed as focused on real reform. A creative team of command staff has transformed resistance to the federal Consent Decree imposed in the wake of the scandal, into a regimen of compliance. Citywide crime has declined four years in a row. The Chief has directed significant use of force changes and more evenhanded discipline. Annual use of force liability payouts, while still in the tens of millions of dollars a year, have declined over 68% since 2000.¹² And Professional Standards Bureau (formerly Internal Affairs) is improving internal affairs investigations.

In the view of most officers interviewed, the department has never been better: crime is down; morale is up and discipline is fairer. Even Rampart Division, the womb of the crisis, has been transformed.

So what warrants a rear-view look at a seven-year-old scandal everyone wants to forget?

Objects in the rear-view mirror are closer than they appear.

Beneath the Surface, Officers and Others Report that Things Are Not Sufficiently Fixed

Underneath Rampart Area’s notable recovery and the department’s undeniable progress lurks the reality that the mistakes, tactics and outlooks that were hallmarks of the crisis still occur and, in several instances concerning use of force, are the accepted norm. And while lessons of the scandal have been learned by LAPD leaders at the top, many reported that those lessons have not reached most of the rank and file or many first line supervisors. LAPD command staff, officers and leaders of the rank and file, for instance, warned repeatedly that the department has yet to fix the lapses in supervision and accountability that were the most direct causes of the scandal. The fact that weak supervision—the *sine qua non* of the CRASH crisis—remains a norm is sufficient reason to answer the CRASH recovery question in the negative.

Officers reported that behaviors that were hallmarks of the CRASH crisis still fail to trigger sufficient response from first line supervisors. For example, almost four years after the scandal erupted,

12.98

Criminal trial against Perez results in a mistrial after the jury deadlocks. The Deputy DA and RHD Task Force immediately begin preparing for retrial.

05.99

Jeff Eglash is selected as the next Inspector General.

06.99

City Charter strengthens OIG. Voters approve amendments to the City Charter giving the Office of the Inspector General expanded powers.

09.08.99

Perez discloses misconduct. As his criminal retrial begins, Perez agrees to plead guilty to state drug charges and discloses the Ovando shooting. In further interrogations, Perez

alleges widespread misconduct among Rampart CRASH officers and other CRASH units.

members of the new Rampart gang unit bought black hats with symbols on them to wear off duty. Although the department’s Board of Inquiry identified such paraphernalia as signs of the mentality that fueled the CRASH crisis,¹⁵ the gang unit supervisor did not order it halted; a command officer did. And in 2005, car maintenance crews discovered one replica gun and one throw-down gun in two patrol cars within a three-week period. CRASH officers had admitted using such guns to frame suspects. Yet, an immediate supervisor filed a comment card instead of a complaint and did not order a stand down review of policy.

The discovery of hats with symbols or an unofficial gun five years after the CRASH scandal, while disturbing, is not as concerning as the apparent lack of alarm on the part of the first line supervisors. Too often when troubling conduct happens, supervisory response is too weak, too disinterested, or, in many cases, too overwhelmed to stem it. LAPD leaders agree that it is critical to determine whether such incidents are isolated flukes, evidence of a troubling norm and/or indicators that the “gunslinger” mindset is reemerging—or never left.

“The culture hasn’t changed. We have ‘Rampart’ brewing in Southeast.”

LAPD Sergeant, more than 20 years on force

The Rampart Rorschach Test: Defining the Scandal

In addition to these and other officer reports of continuing signs of scandal related behavior, the Panel notes that wide-ranging disagreements about what constitutes CRASH corruption block a common understanding about what lessons should have been learned from the scandal.

The CRASH scandal triggers as many viewpoints and definitions as a Rorschach test. This is because no post-scandal investigation definitively determined the extent of CRASH corruption. Therefore, consensus was precluded on what the CRASH crisis was or means. To the dismay of officers who have worked hard since the crisis to redeem the Division’s name, “Rampart” is not only shorthand for the scandal and run riot policing; it also is code for multiple crimes, misconduct, and views of the scandal’s extent. Many LAPD officers believe the City overreacted to the crimes of two CRASH officers. Most members of the City’s elite, including this Panel, conclude the scandal entails total systems failure, fueled by the Los Angeles criminal justice system’s anemic checks on police abuse and LAPD’s feeble constraints on its “warrior policing.” To clarify this muddy picture, the Panel categorizes activity associated with the Rampart CRASH crisis as follows:

- *Crimes* (e.g., selling drugs)
- *Brutality* (e.g., triggering suspect beatings)
- *Unconstitutional Policing* (e.g., fabricating probable cause)
- *Misconduct* (e.g., falsifying reports, insubordination)
- *Mismanagement* (e.g., weak supervision, corrupt supervision, weak oversight)
- *Cultural Drivers of the Scandal* (e.g., LAPD’s codes of silence, loyalty and retaliation against whistleblowers, prosecutorial offices’ unwillingness to aggressively check police misconduct)
- *Systems Failures* (e.g., criminal courts’ plea bargaining machinery that can result in conviction of the innocent)

“Perez was one guy doing this— a rogue cop. Anybody doing anything dirty deserves prison time. I don’t see any of that stuff going on.”

LAPD Gang Officer, less than 10 years on force

09.13.99

David Mack is sentenced to 14 years in prison for bank robbery.

09.16.99

First People’s Writ. DA’s Office files a writ to release Javier Ovando from prison.

09.21.99

Board of Inquiry. LAPD announces the formation of an internal Board of Inquiry to examine the Rampart “incident.”

11.30.99

Rafael Perez takes the first of five polygraph tests administered by LAPD. Although LAPD’s polygrapher finds that Perez was deceptive in each and every interview session,

experts for the defense and prosecution later conclude that the polygraph exams were seriously flawed.

While current LAPD leaders are achieving significant advances in many important areas, progress in these areas associated with the scandal is uneven. In 2006, actions required by the Consent Decree and mandates from LAPD’s top leaders have made the drug crimes and brutality associated with the scandal much harder to commit with the impunity of CRASH offenders. The extent of other crimes and unconstitutional policing associated with the scandal, like fabrication of probable cause and planting evidence, is unknown. LAPD leaders could be right that such misconduct has declined, but the recent discovery of replica guns in South Bureau and a recent sting in Rampart suggest that, even in reformed divisions, planting evidence may not be a thing of the past. Management clearly is improving, but the prime management failure of the CRASH crisis, first line supervision, remains weak. Finally, no institution in the Los Angeles criminal justice system has adequately confronted the underlying cultural drivers of the scandal, or the criminal justice system’s flaws that shielded CRASH malfeasance and resulted in convicting the innocent.

Most rank and file officers interviewed by the Panel did not analyze department progress or continuing problems through the rear view lens of the CRASH crisis. Few saw any connection between the corruption in Rampart CRASH and the department’s systems and culture that gave rise to and shielded the misconduct. Most believed the scandal was about a few bad apples and not about systemic failure. And, while everyone interviewed condemned the crimes associated with the CRASH crisis, few rank and file officers agreed with the Panel’s contention that longstanding

problems such as “ends justify the means” policing, the propensity for excessive force that goes with it, and the silencing of whistleblowers are forms of corruption and corrosive accelerants to LAPD scandals and low community support in high crime areas. Indeed blue ribbon elites often fail to understand that what they view as “problems” needing fixing are policing norms that officers defend.

With all due respect to these officers’ understandable views, the Panel agrees with the conclusions of previous reports on the scandal that the underlying factors that fueled the CRASH crisis also seeded prior LAPD crises and pose key barriers to sustaining current reforms and ending public-police hostility in key high crime neighborhoods.

“ There has been a hell of a lot of improvement in supervision. But in our view, there is still potential [for it to happen again] if the same mistakes are made. ”

LAPD Supervisor, more than 20 years on force

Even though they disagree with the Panel regarding the scope of CRASH corruption and what it means, rank and file officers join command staff in agreeing that more probing work needs to be done to fix the department. As one LAPD veteran summed it up: “We’re making the same mistakes and haven’t made the deeper fixes really needed to head off another Rampart or Rodney King. We’ve got one last chance to get it right...and not much time to do it.”

Defense and Civil Rights Attorneys See Serious Problems Continuing in LAPD and the Los Angeles Criminal Justice System

Interviews with key actors in the Los Angeles criminal justice system also precluded a finding of sufficient scandal recovery.

12.14.99

DA forms “Special Prosecution Team” to handle Rampart cases.

02.24.00

USAO Involvement. At a joint press conference with LAPD and the DA’s Office, the U.S. Attorney for the Central District of California announces that the FBI and the U.S. Attorney’s Office are joining the Rampart investigation.

02.25.00

Rafael Perez is sentenced to five years in state prison.

02.00

LA City Council rejects two motions to launch outside investigations into Rampart police corruption scandal.

03.01.00

LAPD releases the Public Report of the Board of Inquiry into the Rampart Area Corruption Incident. Days later, LAPD announces it is disbanding its CRASH units, and sending gang officers back to patrol.

“ I have worked in [one division] for 8 years — before and after Rampart. I’ve seen no change. It’s the same officers again and again. There are certain judges where DA’s won’t put certain officers up before the judge; they always put up the partner. The DA’s know the judges know... [N]othing has changed. ”

Deputy Public Defender

mously decried the current state of Los Angeles criminal justice. They presented the Panel with compelling examples of erroneous arrests, inaccessibility of evidence needed for fair trials, coercive interview tactics, evidence suppression or planting by officers, alarmingly flawed investigations and police perjury they contend were ignored by judges, prosecutors and LAPD. And plaintiffs’ counsel handling civil cases, with the exception of LAPD dog bite litigators, also unanimously report that complaints of callous mistreatment and civil rights violations—like pepper spraying handcuffed suspects—have not diminished since the CRASH crisis.

Criminal defense lawyers interviewed by the Panel—even those who acknowledge that LAPD has advanced in important ways—overwhelmingly report that since the CRASH scandal, the integrity of systems for producing exculpatory evidence have deteriorated. These lawyers pointed to several officers widely viewed as out of control and unconstrained by LAPD, prosecutors or the courts. Public defenders who spoke to the Panel unani-

In addition to these issues raised by defense and civil rights counsel, law professors raised other potentially distorting dynamics that the Chemerinsky Report¹⁴ first flagged and that still warrant examination. Specifically, they note the devastating impact of the lack of resources for proper criminal defense, lack of resources for witness protection, the rushed nature of the plea bargain mill, the increasing predominance of prosecutorial backgrounds on the judiciary, the lack of robust integrity audits or examinations of the racial adverse impact of criminal justice policies, and the potential impact of law enforcement endorsements in judicial elections on the administration of justice.

This testimony is not easily dismissed. The attorneys and professors interviewed by this Panel are respected practitioners or acknowledged experts and leaders in the profession. All have reputations for fair and reasoned assessment. If one-tenth of what the Panel heard during multiple presentations is true or poses the distorting impact suggested, the soundness of the Los Angeles criminal justice system stands in serious question.

“ I am surprised [to hear that defense attorneys are complaining about not getting *Brady* or *Pitchess* information from prosecutors]. I know a lot of criminal defense attorneys— they know they can pick up phone and say if there are problems. I am not getting many calls. ”

High ranking member of City Attorney’s Office

03.15.00

Breakdown in cooperation between LAPD and DA’s Office. Several members of the RHD Task Force inform DA’s that they have been ordered not to cooperate with the DA’s Office and to provide information

only to US Attorney’s Office. Breakdown is resolved when LAPD agrees to provide information to both the DA’s Office and the US Attorney’s Office.

04.00

Rampart Officers Criminally Charged. DA files criminal charges against LAPD officers Edward Ortiz, Brian Liddy, Paul Harper (and

subsequently Michael Buchanan), stemming from allegedly false arrests of gang members.

04.12.00

Drooyan Panel. The Police Commission forms the Rampart Independent Review Panel to examine the broader issues relating to LAPD raised by Perez’s allegations.

Prosecutors See Improvements in LAPD and Few Problems in the Los Angeles Criminal Justice System

In stark contrast to the defense bar’s views, prosecutors interviewed by this Panel—also highly regarded as experts and leaders in the profession—report that LA’s criminal justice system works better since the CRASH crisis. In their view, defense lawyers had been receiving information they were not entitled to receive and new, more restrictive rules were in order. Moreover, most prosecutors interviewed agreed that they should prosecute officers who commit crimes but saw a limited prosecutorial role for checking police misconduct and perjury. Most prosecutors expressed shock at the CRASH misconduct and dismissed the idea that any significant number of officers would routinely lie or fabricate probable cause and evidence. And most concluded that the police have to police themselves.

The different roles of prosecutors and counsel for criminal defendants and plaintiffs are expected to produce divergent views of the criminal and civil justice systems. But this Panel heard evidence of a canyon-wide gap between these perspectives that raises troubling questions about whether LA’s criminal justice system has sufficient integrity to prevent conviction of the innocent and other travesties associated with the CRASH crisis. At the same time that LAPD delves for deeper fixes, the county of Los Angeles needs to probe the integrity of its criminal justice apparatus.

Public-Police Tensions Remain High in High Crime Divisions Outside of Rampart

LAPD enjoys widespread and strong community support in low crime neighborhoods across Los Angeles. And in Rampart Area, a relatively high crime division, community members who were not gang members, their families or gang intervention experts expressed to the Panel strong support of LAPD officers during the CRASH scandal and even stronger support today. One Rampart Area resident wanted to know when Officer Rafael Perez would be able to come back.¹⁵

“Southeast officers who come to Rampart can’t believe the difference. They can drive down the street and not feel the hatred.”

LAPD supervisor who served in Southeast and Rampart Areas more than 25 years on force

This high level of support is not the predominant response from community leaders and members in other high crime areas. A few pastors and residents of high crime divisions in South Bureau, for example, report satisfaction with LAPD. One resident of 77th Area stated that “There’s been real change. When I enter the station today, I see pictures of minority officers on the wall and I’m

treated like I have a right to be there—not disrespected by hostile white officers like before.” And several expressed empathy for the dangerous job officers have to do. But most of the community leaders interviewed in Areas of South Bureau, report that they not only see no change, but that the dynamic between them and LAPD remains tense. They always separate out as exceptions the individual officers and command staff they view as fair, respectful and trying to create a relationship before itemizing a litany of complaints against the department. And in Hollenbeck Area, east of downtown LA, noted leader of Homeboy Industries, Father Greg Boyle, reported repeated

04-13.00

At a panel discussion on civilian police oversight, IG Jeff Eglash states that if he has to take on unpopular tasks, he has to worry about job security.

05.00

DOJ Threatens Lawsuit. DOJ Washington informs City officials that it is authorized to file police misconduct lawsuit against the city if LAPD does not cease “a pattern or practice of constitutional violations.”

07-28.00

DA charges Rafael Perez’s former partner Nino Durden with attempted murder for the shooting of Javier Ovando.

09-11.00

Chemerinsky Report. Professor Erwin Chemerinsky issues “An Independent Analysis of the Los Angeles Police Department’s Board of Inquiry Report on the Rampart Scandal,” undertaken at the request of the Police Protective League.

09-15.00

Los Angeles City Council votes to accept a consent decree allowing a federal judge to oversee and monitor reforms within the LAPD for a period of five years.

instances of officers taunting and provoking his clients and of verbal attacks by officers directed even at him.¹⁶

The public-police trust gap first noted by the McCone Commission appears alarmingly wide in these areas. Too many apparently view LAPD more as persecutor than protector. Officers report needing aggressive suppression tactics to maintain safety and control in high crime areas, a critical view that must drive all remedies designed to resolve this problem. But residents report that even when it is executed by LAPD's most professional and respectful officers, they experience LAPD's proactive, suppression policing as a dehumanizing, racially targeted, search and destroy campaign that aggravates the deprivation of their neighborhoods. And the arrogant, contemptuous style used by some officers carrying out proactive suppression policing is experienced by everyone as unnecessary abuse. Every young black and Latino man interviewed from these divisions reported feeling like prey in a hunt. In their minds, LAPD does not distinguish between the few dangerous criminals and the majority of the community who are just trying to survive. To them, the only surprise about the Rampart CRASH crisis was that the City's elite seemed shocked about the misconduct. Many residents interviewed were so blinded by anger over what they see as 40 years of abuse that they could not consider evidence of recent LAPD advances.

LAPD may in fact enjoy much broader support in these areas than recent interviews indicate. But if the negative feedback were just

activists' views, the Stanley Miller flashlight strikes, the Devin Brown shooting, the Suzie Peña shooting, and confrontation with leaders of the Nation of Islam would not have triggered the political emergencies that they did.¹⁷ LAPD mistakes and confrontations should not evoke an automatic presumption of malfeasance. But they do. And police errors should not be capable of so easily setting this City on peril's edge. But they are.

In conclusion, LAPD and the City have made significant progress in a number of important areas, including achieving the Rampart turnaround, improving investigations¹⁸ and reaching several Consent Decree benchmarks. But current reforms are insufficient to reach the deeper drivers of LAPD's CRASH crisis, address long-standing problems and fix the City's public safety model. Nor are current improvements discernible on the streets of other high crime divisions or to key players in the Los Angeles criminal justice system.

“ We want to get rid of these violent people who are terrorizing our communities, killing our kids. We want to see them gotten rid of. But what we're saying is that, you don't know how to do that without brutalizing us all. ”

Dr. William T. Washington, Pastor *Primetime Thursday: LAPD*
(ABC Television Broadcast, June 1, 2004)

What Has to Happen to Remedy the Underlying Causes of the CRASH Crisis and Move LAPD Forward toward High Road Policing

Removing the Roadblocks to High Road Policing

The main report explores fully what it would take to make Rampart high road policing the norm department-wide. And it starts by examining the biggest roadblock—the external (non-LAPD)

10.04.00

Trial against Ortiz, Liddy, Harper and Buchanan begins.

11.08.00

Steve Cooley defeats Gil Garcetti as Los Angeles County District Attorney.

11.15.00

Jury delivers guilty verdicts against Ortiz, Liddy and Buchanan for conspiring to obstruct justice. Officer Harper is acquitted.

11.16.00

Drooyan Panel issues its report.

11.21.00

Javier Ovando receives \$15 million from the City in its largest ever police misconduct settlement.

barriers. The most significant external barrier is the City’s “thin blue line” policing model, which fosters many LAPD traits that are antithetical to the new policing. For decades, blue ribbon reports have noted that with too few officers to patrol the streets and to guarantee backup, officers use intimidation and fear to exert control over large geographic areas. And in high crime areas they counter increased danger with aggressive “search and destroy” tactics that humiliate and alienate residents.

The second most significant of several external barriers set out in the full report, is the City’s continued failure to heed the McCone Commission’s recommendation to end the “spiral of failure” and cure “the sickness in the center of our cities.” While conditions have improved for most Angelenos, in the City’s high crime hot spots, they have deteriorated. The same “tinder-igniting” factors that the McCone Commission noted as the fundamental causes of public-police friction and the riots that swept seven eastern cities in 1964 and LA in 1965—“not enough jobs..., not enough schooling... [and] a resentment, even hatred of the police”—persist.¹⁹ Forty years later in LA’s poorest high crime areas, the “spiral of failure” that McCone noted as the Petri dish of public-police hostility is even worse because of much more pervasive violence and dysfunctional poverty.

The report explains why it is important to focus on the major external barriers that hinder installing department-wide the high road policing showcased by leaders of the Rampart turnaround. Police do not act in a vacuum. They respond to the political mandates of the City’s public safety model to keep advantaged neighborhoods safe, and dangerous neighborhoods contained.

And they respond to conditions on the street and to the incentives and rewards that get them promoted.

With recent initiatives by Mayor Villaraigosa, the City and Los Angeles County to jointly confront urban poverty and to radically change the norm of chronic failure in public education, some of these external roadblocks that the McCone Commission first flagged are finally beginning to get attention. But the City has not come to grips with the scale of change needed or what it means to end the “thin blue line” policing model and start providing citywide public safety. These barriers are formidable but not insurmountable if confronted, diagnosed and strategically attacked. The challenge posed by the Panel is for the City to finally heed the McCone mandate and do so.

After examining the external roadblocks, the report returns to the internal (inside LAPD) barriers blocking the new Rampart crime fighting and leadership model from becoming the department standard. There are many. In addition to the supervision and accountability lapses noted above, the department must address many issues ranging from: resource gaps; ongoing problems with retaliation; disputes about excessive force; quality versus quantity policing; the lack of alignment between the goals of high road policing and LAPD’s promotions; training and evaluation systems; control over specialized units; and deprogramming the “gunslinger” mentality.

12.22.00

Court overturns convictions. Judge who presided over the criminal trial of Rampart CRASH officers overturns the convictions.

01.01

New DA reassigns Rampart cases. A new team, now known as the “Ad Hoc Rampart Task Force,” takes over the Rampart cases.

02.05.01

Mayor Richard Riordan fires Police Commission President Gerry Chaleff. The termination is criticized by experts who contend that Chaleff was one of the only Commissioners who tried to keep LAPD reform on track.

03.23.01

Additional officers indicted. DA brings felony indictments against former Rampart CRASH officers Ethan Cohan, Manuel Chavez, and Sean Gomez. Chavez and Gomez reach plea and cooperation agreements.

03.30.01

Nino Durden pleads guilty to ten state and federal charges, including fabricating evidence, false arrest and presenting false testimony, and agrees to cooperate.

Summary of Key Recommendations

Below is a summary of the report’s key recommendations. These recommendations stem from Panel review of 40 years of Blue Ribbon reports on LAPD, community complaints, litigation against the department, internal LAPD reports and investigations, interviews with criminal justice experts from civic and academic institutions and from experts in the offices of the District Attorney, the United States Attorney, the City Attorney, the Los Angeles City Council, the Los Angeles Police Commission, the Los Angeles Superior Court, the U.S. Department of Justice, and over 200 interviews of law enforcement experts in LAPD, the FBI, the Los Angeles Sheriff’s Department and the District Attorney’s Justice Systems Integrity Division.

1. LAPD Should Transition from Proactive/Suppression Policing to High Road Policing Demonstrated in the Rampart Division Turnaround.

LAPD needs a 21st Century policing model that builds trust and fights crime without bias, corruption, or brutality. The Panel recommends that department leaders build department-wide consensus to

move away from LAPD’s traditional proactive “warrior policing” model to the policing showcased in the Rampart Division turnaround and other LAPD problem solving pilot projects. There will always be a need for the strategic use of aggressive, “hard charging” policing; but the warrior mindset should not be the standard interface with the public. Department leaders must be able to clearly state why problem solving policing is a better approach and what the transition will mean to officers’ daily routines. The debate between officers who work through community relationships and problem resolution and officers who view such policing as “social work” or “getting too close to the enemy” needs full vetting and resolution before LAPD can pursue any department-wide transition.

“ We have been forced into paramilitary [policing] to keep control. Ultimately, it causes you to lose control because there is no community trust. There is a disconnect between the public and the police department... It is a paradox—we are pushed into it but if there are no resources to get out of it, then it becomes our downfall. ”

Retired LAPD Command Staff, more than 30 years on force

2. An Expedited Joint Action Taskforce Should Chart Actions Needed to Move LAPD to High Road Policing.

The Panel recommends that the Police Commission direct the Chief to appoint an expedited joint action taskforce with a strong mandate to identify and plan implementation for actions needed to fix the unaddressed underlying causes of the CRASH crisis, stem any brewing corruption, install the high road policing demonstrated in the Rampart turnaround, and reduce public-police hostility in high crime divisions. The taskforce should consist of the LAPD change agents from command, rank and file, and police union leadership who contributed to the findings in this report as well as members of this Panel and a few external

06.01

Consent Decree entered. United States Court for the Central District enters the DOJ consent decree against City of Los Angeles and LAPD, and appoints an independent

monitor to oversee its implementation. Decree is to last at least five years with possibility of renewal.

7.24.01

Rafael Perez is released from state prison.

11.07.01

DA ends criminal probe. DA announces that Rampart criminal probe will conclude by year end and promises reports detailing reasons for closing 50 matters.

12.17.01

Rafael Perez pleads guilty to federal civil rights and firearms violations resulting from the shooting of Javier Ovando.

experts. The action group should quickly identify the politically difficult actions needed and develop a blueprint that augments the Chief’s Plan of Action and becomes the final chapter of this report.

“But a blue line stretched too thin left officers uncertain how quickly back up would arrive, and so a policing style evolved that became overly aggressive in the eyes of many Angelinos, especially in minority communities. Police behavior that had arisen in this context has been called ‘good cop corruption,’ which describes pursuit of justice through means both legal and unconstitutional.”

LAPD Plan of Action for the Los Angeles That Is and the Los Angeles That Could Be Book 1 at 2 (October 28, 2004)

As discussed above, Los Angeles’ underfunded “thin blue line” policing framework generates problematic containment-suppression policing and the City’s two tier, separate and unequal public safety system. The City of Los Angeles, like every other major metropolis, needs a new public safety framework that improves the conditions for police and delivers policing that is free from “corruption, bias and brutality.”²⁰ The City, with LAPD, should develop the

The main report emphasizes that the taskforce should offer solutions that maximize cooperation from the rank and file and avoid triggering the reject and resist response with which lower ranks often greet top-down initiatives. Suggested issues for the taskforce are outlined in the Action Takforce Agenda attached to this Executive Summary.

3. The City and LAPD Should End “Thin Blue Line” Policing and Develop a Blueprint for Funding and Providing Citywide Public Safety.

plan and budget needed to transition out of the “thin blue line” paradigm and into the high road policing demonstrated in the Rampart Division turnaround. And the plan must do far more than increase the number of officers. While this Panel strongly agrees that problem solving policing requires substantially more officers and resources, the City does not need more officers steeped in the old LAPD mindset. It needs its new officers formally and informally trained in a high road curriculum and culture that do not yet exist. Failure to grapple with this fact will perpetuate current problems.

4. The City Should Fulfill the McCone Commission Mandate to End “The Spiral of Failure” that Seeds Public-Police Conflict.

The City has not developed competent strategies to stabilize distressed hotspot communities. Forty years ago, the McCone Commission documented the co-dependent relationship between entrenched, dysfunctional poverty and public-police friction. Key public sector institutions have failed to deliver the infrastructure and resources capable of producing the solutions most closely correlated in reducing such social disintegration and the violence it spawns—namely, jobs and education. And LA’s advantaged sectors, including its many civic and philanthropic organizations, have failed to develop strategies that are comprehensive and synergistic enough or sufficiently connected to the public sector or the underclass residents who suffer alarming levels of violence in hotspots of high crime divisions.

The continuing relevance to police reform of the McCone mandate to arrest spiraling deterioration in poor communities is borne out by

02.13.02

DA goes to Civil Grand Jury. DA appears before the Los Angeles County Civil Grand Jury and invites them to consider aspects of Rampart, including command accountability.

04.04.02

Civil Grand Jury hears from the last of several Rampart witnesses. Foreperson requests Deputy DA to draft report setting forth findings.

05.04.02

Chief Parks Steps Down. Bernard Parks steps down as Chief of LAPD. Former Deputy Chief Martin Pomeroy takes over as Acting Chief of Police.

06.02

Civil Grand Jury refuses to issue report. Civil Grand Jury foreperson informs DA that the grand jury will not release any report on Rampart,

and directs that the grand jury transcripts are to remain sealed in perpetuity.

the fact that Rampart Division’s officers identified relatively stable community conditions as key to the successful transformation of their Division. City leadership must give voters a competent and efficient strategy to stabilize LA’s hotspots and begin the transition to citywide public safety. If the City keeps the “thin blue line” model and continues to ignore this mandate, it should expect public-police eruptions to continue, corruption to recur more frequently, and the violence currently contained in poor areas to metastasize.

5. Residents of High Crime Communities Must Take Responsibility for and Receive Resources Needed to Counter the Culture of Violence.

Too few Los Angeles families, civic leaders and neighborhood organizations in low-income, high crime areas have taken sufficient responsibility for effectively countering the social disintegration and cult of destruction engulfing hotspot areas in LA City and County. As Jacquelyn Simms, President of Watts Neighborhood Council, describing the need to counter violence in her community, put it, “I think the problems and pointing fingers [at] who’s responsible is not the answer because we all have a portion to play in this. The whole community has to come together. We all have to say we’re going to stop this.”²¹ But

“The only thing left for black men is prison or death, or peace and survival... The only way to beat the prison industrial complex is to shut it down. The only way to keep mortuaries from becoming millionaires is to stop the killing... Now it’s up to the rest of us to help them.”

Anthony Asadullah Samad, *Los Angeles Sentinel*, March 2006

Ms. Simms and other residents of these besieged areas need resources and help for their communities to launch a counter-violence movement and to develop the public infrastructure and civic networks that provide desperately needed jobs, drug rehabilitation, ex-offender support services, gang exit strategies, and other recovery systems to effectively end the violence and other dysfunction of *la vida loca*. In addition to the City developing much more robust and effective strategies, business and philanthropic sectors must help these local communities and families by co-creating and funding coordinated efforts by competent neighborhood-fluent groups to jointly execute strategies capable of stabilizing these communities over the long term.

6. Federal Court Enforcement of the Consent Decree Should Continue the Current Focus on Achieving “Real Reform” to Remedy the Underlying Causes of the CRASH Crisis.

The United States District Court for the Central District of California is the only entity that can keep the City and the department focused on taking actions necessary to significantly reduce undetected police corruption and public-police confrontations. As the federal court has recognized, the purpose of the federal

“ There has been 40-plus years of debate in this community about how it is policed... Time after time after time, those reports were nodded to and nothing was ever done. This consent decree is going to effect real reform and it’s not going to be extinguished until that happens.”

U.S. District Judge Gary A. Feess (“Plan to Change LAPD Consent Decree Rejected,” *Los Angeles Times*, March 22, 2006)

08.02

Durden is sentenced to five years in state prison, to be served concurrently with a three-year federal prison sentence he had earlier received.

10.02

Jeff Eglash announces his resignation as Inspector General. Eglash subsequently advocates for a stronger Inspector General position.

10.25.02

New LAPD Chief. William J. Bratton becomes LAPD Chief of Police.

11.25.02

DA Publishes Declinations. DA issues memoranda explaining why it declined to file charges in 82 Rampart-related cases. The memoranda do not address some instances

of misconduct (including officer-involved shootings) described by Perez.

Consent Decree is to achieve “real reform.”²² This must include addressing City failures to provide resources as well as LAPD codes, customs, cues, and other norms that were the hidden drivers of the CRASH crisis. This Panel respectfully suggests that the federal court consider recommendations for strengthening its current efforts to remedy the underlying cultural causes of the CRASH crisis and consider ways to aid the department’s transition to the policing demonstrated in the Rampart Division turnaround.

7. The Police Commission Should Significantly Expand the Independence and Resources of the Office of Inspector General.

The Office of Inspector General is the Police Commission’s only full time, professional position with a mandate to check the integrity of LAPD investigations and accountability systems. The

“LAPD has oversight on demand. If they ask for a report then it’s welcome, but OIG-generated efforts to examine new areas still are greeted with aggressive challenges. And the only time the OIG gets more resources is if there’s trouble.”

Observer of OIG Operations

OIG needs more independence and significantly more expert staff to hold LAPD’s self-investigation apparatus to the highest performance standards. As the only quasi-independent, full time entity inside the department with the potential for acquiring the department fluency and expertise required to hold LAPD to rigorous standards for effective investigation and complaint adjudication, this Panel concludes that the capacity of the Office of Inspector General should be dramat-

ically increased to carry out a more tightly focused portfolio of responsibilities that better ensures department accountability.

8. The Current Boards of Rights System Should Be Replaced.

Key among the recommended changes in the main report is for the current Board of Rights system that pits officer representatives with no legal training against seasoned defense attorneys and under which the department lost most of the CRASH-corruption cases, to be replaced by a system which prosecutes the most serious cases of misconduct with department attorneys who are experts in police policy and culture. This new prosecution function should be assigned to a new Police Commission unit.

9. Institutions of The Los Angeles County Criminal Justice System Should Commission an Extensive Integrity and Performance Audit.

This Panel recommends that an independent body of experts conduct a comprehensive integrity audit of the Los Angeles criminal justice system. The body should include members from the courts, public defender groups, prosecutorial and post-incarceration agencies, and expert critics of criminal justice. The audit should assess: effectiveness of current safeguards against convicting the innocent; racial and other disparities (in sentencing, charging, etc.); the impact of investigation quality and the plea system on conviction of the innocent; diversity of perspectives on the bench; the judiciary’s responses to police perjury; and other dynamics that may affect the fair administration of criminal justice.²⁵

02.03

Bratton Calls for Rampart Panel. Unable to obtain LAPD’s “After Action” report on the Rampart corruption scandal, Chief Bratton

calls for the appointment of an independent committee to assess the Department’s handling of the scandal.

02.18.03

Former Rampart CRASH officer Ethan Cohan pleads guilty and is subsequently sentenced one year in prison and three years probation.

04.22.03

“Lessons Learned” Report. The LA County Bar Association Task Force on the State Criminal Justice System releases report recommending

improvements to prevent wrongful convictions such as those revealed in the Rampart scandal.

10. LAPD Should Transfer Investigation of the Next Large Corruption Crisis over to a Properly Resourced, Independent, Multi-Agency Investigation Force.

As discussed more fully in the main report, the biggest failing of the response to the Rampart CRASH crisis is that no public entity conducted an independent investigation with the capacity, authority, resources and will to properly investigate the extent of CRASH corruption or its causes. Indeed, the Los Angeles City Council twice rejected motions to launch an outside investigation capable of overcoming conflicts of interest within LAPD and the FBI.²⁴ Due to inadvertence, incompetence and/or intent, LAPD did not design investigations capable of determining the true extent of corruption. And investigations by other entities, including this Panel, were either too limited or too late to do so either. Errors in the investigations conducted by LAPD, the District Attorney and other institutions precluded conclusively establishing even the basic facts related to the CRASH crisis. If obscuring the extent of the corruption were the goal, it is hard to imagine a better game plan. After several scandal related criminal trials and pleas, multiple LAPD investigations and four major reports, the contours of the corruption remain unknown. But what is worse, few interviewees from any of the involved agencies thought it was even possible or an urgent matter to ever do so.

Given the results of the response to the Rampart CRASH crisis, investigation of the next LAPD corruption scandal should be handed over to a fully resourced, independent taskforce of outside experts who receive full cooperation from the Chief of Police and

the department. The taskforce should include relevant expertise from the LAPD Inspector General, LAPD leaders without conflicts or possibility of involvement in the alleged corruption, FBI police corruption investigators, LA County District Attorney's Office, the United States Attorney's public and police corruption units, the State Attorney General's office, expert police reform investigators like the Police Assessment Resource Center, and the LA County Sheriff's Office of Independent Review. If the corruption emerges before becoming a media extravaganza, then the investigation should be modeled on the Mollen Commission²⁵ which conducted investigations designed to capture widespread, multi-defendant criminal activity, with stings, wiretaps and field investigations—not the limited paper audits, individual drug crime investigations and drift net interviews that LAPD and the Office of the District Attorney conducted. The investigations should focus first on capturing ongoing crimes and the true extent of any systems corruption. All internal administrative needs should defer to these primary investigation objectives, including the need to punish the failure to report misconduct.

Conclusion

In order to preserve recent LAPD successes, further reduce the likelihood of future corruption, solve the longstanding problems in LAPD that block deeper reform and reduce public-police hostility, several things need to happen. LAPD must install department-wide its success in transforming Rampart Division and delve for the deeper fixes needed to sustain current advances, cut off brewing trouble and forge ahead to Chief Bratton's vision of high road

05.03

New Inspector General. Andre Birotte, Jr. is appointed as LAPD's third Inspector General.

07.03

Former Rampart CRASH officers Chavez and Gomez each sentenced to 3 years probation.

07.22.03

Police Commission announces the appointment of the Blue Ribbon Rampart Review Panel.

02.04

City Council approves the formation and operations of the Blue Ribbon Rampart Review Panel.

05.04

Rampart officer terminated. Paul Buchanan, whose conviction for conspiracy to frame gang members was overturned by the trial judge, is

policing. As the only entity with the capacity for sustained, long term focus on this more probing reform agenda—and the independence and power to enforce it—the federal court is the only entity capable of ensuring that Consent Decree enforcement

“Because we have been the flash point... for most of the racial violence in the past century, wouldn't it be wonderful if we were in fact the catalyst for the healing?”

Chief William J. Bratton, *Primetime Thursday: LAPD* (ABC Television Broadcast, June 1, 2004)

results in the transformation needed. At the same time, the City must radically change how it funds and delivers public safety; and it must become competent enough to stem the “spiral of despair” that the 1965 McCone Commission indicted as a co-generator of public-police friction. Criminal justice institutions need to resolve alarmingly disparate views on the integrity of the Los

Angeles criminal justice system. Communities in high crime districts must end the culture of violence that is destroying LA’s poorest neighborhoods. And public institutions like schools must aid, not aggravate, the public safety mission.

The Rampart CRASH crisis was a system-wide failure of every Los Angeles institution with responsibility for providing constitutional public safety and justice. Those institutions have failed for over 40 years to sufficiently fix the City’s police department and problematic public safety framework. If they fail to do so again, there will be no need for another blue ribbon report after the next police-triggered scandal or riot. Just reissue past volumes.

06.04
 (continued) fired from LAPD following a Board of Rights. Boards of Rights against Liddy and Ortiz remain pending.

08.31.04
 Police Commission approves Blue Ribbon Panel’s work rules.

10.04
 Former LAPD officer admits to robberies. Former LAPD officer Ruben Palomares admits to federal authorities that he and fellow law enforcement officers conducted a

string of robberies. Palomares had been identified by Rafael Perez as potentially involved in corruption in 1999.

Afternotes

1. The acronym of LAPD's disbanded anti-gang unit stood for Community Resources Against Street Hoodlums, hereinafter in the report, CRASH. In 1999, Rampart Area (also known as Rampart Division) and several other LAPD divisions had CRASH units.
2. *See United States v. City of Los Angeles*, Civil No. 00-11769 (C.D.Cal. 2000). The Decree, which became effective on June 15, 2001, settled a lawsuit filed by the United States Department of Justice in the wake of the Rampart CRASH scandal against LAPD and the City of Los Angeles for engaging in a pattern and practice of unconstitutional misconduct. On May 15, 2006, the Court extended the term of the Decree for three years.
3. In 2003, when the Los Angeles Police Commission requested this Panel's review, four prior reports on the Rampart CRASH crisis already existed. The Commission requested this fifth report for two reasons: LAPD had failed to produce a final after action analysis of the scandal and LAPD veterans expressed concern that mistakes and conduct indirectly related to the crisis were still occurring.
4. Governor Edmund G. Brown appointed the McCone Commission, chaired by John A. McCone, in August 1965 to study the causes, responses to and effects of the Watts riots and provide recommendations for preventing similar crises. The McCone Commission's report, *Violence in the City — An End or a Beginning: a Report of the Governor's Commission on the Los Angeles Riots* ("McCone Report"), published in December 1965, discussed the social and economic inequities that contributed to the riots and the need for improving LAPD's relationships with the poor minority communities it polices.
5. *The Beat*, vol. LII No.1 at p.6.
6. Rampart Division's success—a product of vision from the Chief and others, and an Assistant Chief's innovative ideas to streamline bureaucracy and increase effectiveness—is not the department's only notable example of "high road" policing. Pilot projects in several other divisions also have showcased unorthodox leaders leading successful problem solving crime fighting. In Southwest Division, under the Safer City Initiative, the department committed a specific group of officers to work in the Baldwin Village neighborhood, targeting gang violence and working with the community to help them access public resources to improve their community. Despite overt opposition from several of their colleagues, select officers in Southwest also worked closely with community leaders to support former Councilman Martin Ludlow's Summer of Success, which reduced violence by providing recreation and short-term employment for at-risk youth in the summer of 2004. In Valley Bureau, a retired Deputy Chief also ignored resistance from LAPD's "us against them old guard" to forge an effective alliance with a gang intervention leader. Community members and gang interventionists reported that innovative leaders in Harbor Division created the same kind of partnership with the long-serving Tolberman House. And for a brief period in 2003, an effort spearheaded by City Council staff created an effective public-police coalition to combat gang activity in Pacific Division. Unlike the Rampart turnaround, these commendable programs did not have division-wide participation, did not benefit from the central districting that freed up Rampart staff, and did not have the additional resources. They also tended to be personality dependent and/or very short-term, encountered open hostility from other officers, and have limited ability to move the department toward institutionalizing the problem solving policing that cleaned up the park in Rampart Division.
7. On May 12, 2006, LAPD relieved a 16-year veteran of duty after he allegedly lied about dropped drugs by a suspect who was really an undercover detective in a sting operation in Rampart Area. And in 2004, a sting operation resulted in criminal charges against another Rampart officer for charging a woman money to file a police report.

12.10.04

DA announces it will not retry officers. After the Supreme Court of California declines to hear its appeal of the appellate court decision upholding the trial judge's ruling

to overturn their convictions, the DA's Office announces that it will not retry Buchanan, Ortiz and Liddy for conspiring to frame gang members.

02.05

Devin Brown. Following a car chase, an LAPD officer shoots and kills 13-year-old Devin Brown as he backed the pursued car into the officer's patrol car.

03.31.05

City settles Rampart civil suits. City officials announce that they have settled virtually all of the 200 lawsuits filed in connection with Rampart

scandal for \$70 Million. City Attorney states that the City is "thankful to put this chapter behind us."

- 8. In the late 1980s, Chief Daryl Gates, according to a former deputy chief, “took Rampart Division apart” to re-impose constraints and discipline on the Area, which was widely viewed in the department as being out of control.
- 9. The chair of this Blue Ribbon Panel, along with her co-counsel Donald Cook, Robert Mann, Paul Hoffman and Barry Litt, was one of the attorneys who sued the K-9 unit in the case, *Lawson v. Gates*, led by the Reverend James Lawson and the Reverend William S. Epps.
- 10. Scott Glover and Matt Lait, “LAPD Settling Abuse Scandal,” *Los Angeles Times*, March 31, 2005.
- 11. William J. Bratton, “Chief Bratton: We’ve Changed,” *Los Angeles Times*, May 11, 2006.
- 12. The City Attorney reports that LAPD general liability use of force payouts from 2000 to 2005 *excluding Rampart use of force cases* have declined approximately 68%.
- 13. “Separate roll calls from the patrol division, a unique patch, jackets, an emphasis on narcotics enforcement, and an outward appearance of elitism were common CRASH traits that Rampart shared with other CRASH and specialized units.” *Board of Inquiry on the Rampart Area Corruption Incident*, March 1, 2000 at 69.
- 14. Professor Erwin Chemerinsky issued in 2000 *An Independent Analysis of the Los Angeles Board of Inquiry Report on the Rampart Scandal* that included critiques of responses to the Rampart CRASH scandal by the offices of the Los Angeles County District Attorney, the City Attorney, the Los Angeles Superior Courts and the Public Defender’s Office.
- 15. The 1998 arrest and subsequent interviews of former Rampart CRASH officer Rafael Perez touched off the crisis. Perez pleaded guilty to cocaine theft and federal civil rights violations and served state and federal prison terms.

- 16. Father Boyle reported a recent incident where a young man was sitting out front of the Homeboys Industries office at 8:15AM waiting for it to open. While he was waiting, a squad car with LAPD officers formerly in the gang unit drove past repeatedly then pulled up in front of the office and shouted: “Were you f...king mad dogging us? You don’t get to f...king mad dog us! What are you doing here?” When the youth responded that he worked at Homeboy Industries for Father Greg, one of the officers responded, “Father Greg ain’t shit and neither are you,” and they drove off. Father Greg noted, “This isn’t just LAPD culture; it’s strategy. There was a time I’d go to the captain with this, but it doesn’t do any good, so I don’t even report this kind of stuff anymore.” June 2006.
- 17. In June 2004, an LAPD officer struck Stanley Miller repeatedly with a flashlight following a chase in which Miller was driving a stolen car. In February 2005, following another car chase, an officer shot and killed Devin Brown as the 13-year old backed the pursued car into the officer’s patrol car. In July 2005, SWAT officers mistakenly shot 19-month old Suzie Peña when her father held her as a shield during a gun battle with police. The next month, Nation of Islam leader Tony Muhammad incurred injuries as a result of a scuffle with police that occurred at a community memorial vigil.
- 18. The current state of LAPD investigations is discussed more fully in the main report.
- 19. McCone Report at 2.
- 20. *Plan of Action for the Los Angeles That Is and the Los Angeles That Could Be*, Book I at 2 (October 28, 2004).
- 21. *Talk of the City: The War in Watts* (KPCC radio broadcast, July 28, 2005).
- 22. See “Plan to Change LAPD Consent Decree Rejected,” *Los Angeles Times*, March 22, 2006.

07.06.05

Mistrial in Biggie Smalls case. Judge declares a mistrial in a federal civil lawsuit brought against LAPD by the family of murdered hip-hop star Biggie Smalls, finding that LAPD

detective deliberately suppressed evidence of an informant who tied Rafael Perez and David Mack to Smalls’ murder.

07.10.05

Susie Pena. SWAT officers mistakenly shoot 19-month old Susie Pena when her father held her as a shield during a gun battle with police.

12.05

Rampart officer terminated. An LAPD Board of Rights recommends that Officer Brian Liddy be terminated for conduct related to the Rampart scandal.

02.09.06

Civil jury awards \$15 Million to LAPD officers Harper, Liddy and Ortiz, finding that they were falsely arrested and maliciously prosecuted during the Rampart scandal.

23. In 2003, the Los Angeles County Bar Association Task Force on the State Criminal Justice System issued *A Critical Analysis of Lessons Learned: Recommendations for Improving the California Criminal Justice System in the Wake of the Rampart Scandal* (the “Collins Report”), which included a number of important recommendations for improving the criminal justice system in Los Angeles County. Currently, the California Commission on the Fair Administration of Justice is conducting a statewide assessment of the administration of the criminal justice system and has begun making recommendations for improving California’s criminal justice system to prevent wrongful convictions. However, neither the Collins Report nor the California Commission on the Fair Administration of Justice focuses on assessing the breadth of the problems in Los Angeles County’s criminal justice system.

24. *See, e.g.*, Tina Daunt, “New Probe of Police Rejected,” *Los Angeles Times*, March 1, 2000 (reporting that City Council rejected a motion by then Councilman Mike Feuer and an earlier motion by then Councilman Joel Wachs to conduct an independent investigation into the Rampart police scandal)

25. The Mollen Commission (directed by former judge Milton Mollen) was implemented in 1992 to examine and investigate corruption in New York City’s Police Department and make recommendations for reform. The Mollen Commission Report is available on the Police Assessment Resource Center website (www.parc.info/index.html).

05.12.06

LAPD suspends Rampart officer Edward Zamora after a sting conducted by the Department’s Ethics Enforcement Section reveals that

he lied in his arrest report regarding how he recovered drugs from a suspect.

5.15.06

Consent Decree extended. U.S. District Judge orders that Consent Decree against LAPD be extended in its entirety for three years.

Action Taskforce Agenda

The Panel's most important recommendation is that an expert taskforce quickly develop a blueprint and action agenda to achieve the Chief's policing vision as showcased in the recent Rampart Division transformation. The plan should be jointly developed by department change agents, rank and file leaders, outside experts that know LAPD systems and members of the Blue Ribbon Rampart Review Panel. The transition plan should address the issues raised in this report, build on Chief Bratton's *Plan of Action for The Los Angeles That Is and The Los Angeles That Could Be*, and chart steps to achieve the transition to 'high road' policing.

The blueprint the task force charts to transition to the Chief's vision of policing as demonstrated in the Rampart Division recovery will be a complex document. It will require negotiated changes in almost every LAPD system. Solutions should be calibrated to impact areas that will require examination, including: mindset and outlook; LAPD informal culture; use of force; training; recruitment; supervision; discipline; patrol; specialized units; operations; deployment; crime fighting strategies; performance evaluations; retaliation and whistleblower protections; conflicts; racial tensions; immigrant community agendas; and telemetry for measuring desired outcomes in each area of LAPD's operations.

Supervision

The main report discusses current problems with supervision at length. In order to address these problems, the taskforce should:

- Identify the steps needed to establish the advanced supervision demonstrated in Rampart Division and a few other places as the department standard.
- Determine whether the specific supervision incidents discussed in the report are isolated incidents or indicia of brewing corruption.

- Establish rules that all investigations of misconduct will include a review of command failures.
- Determine what impact, if any, the 3/12 and other flex schedules have on supervision. If adverse impact exists, fix the systems so that the flex schedules work to strengthen supervision, not weaken it.
- Prescribe actions needed to replace weak supervision with effective supervision that rank and file officers respect, including identifying what factors create weak supervision and the "dance of the lemons" practice of transferring problem officers rather than retraining them and avoiding problems rather than solving them.

Mindset and Culture

The taskforce should identify and decode the cues, customs and codes of behavior that aggravate public-police interactions in high crime areas, keep the majority of officers from speaking up when they should, prevent supervisors from reining in top guns who get out of control, and block effective checks against misconduct and abuse of force. The taskforce should at minimum:

- Dissect conflicts between paramilitary policing and the strategic collaboration model showcased in the Rampart Division recovery.
- Identify the most effective strategies for moving LAPD from a culture that emphasizes control and compliance to a culture that emphasizes effective collaboration and creative problem solving.
- Reprogram who is a hero. Identify ways of teaching lessons from high profile incidents and mistakes.
- Include strategies that seek rank and file ideas for reversing long-standing problems described above.
- Identify steps that remove pressures on officers to remain silent and to elevate loyalty to each other above loyalty to the mission of the department or to standards in the Constitution.

Public-Police Alienation

LAPD is not coming to grips with the magnitude of its trust deficit in low-income, high crime, predominantly black neighborhoods and the different but equally strong barriers to productive interaction with the police that immigrant and non-English speaking communities face. The taskforce should, at minimum:

- Determine why incidents that the minority public views as excessive force often are seen by officers as good, aggressive policing. Address how to bridge that gap.
- Identify community actions, conditions and behaviors that alienate officers and foster some officers' hostility toward high crime communities. Develop strategies with other entities to change these dynamics.
- Identify officer conduct and attitudes that alienate the public and foster public-police hostility. Create programs to counter these reactions.
- Explore establishing a panel of trusted community representatives who can receive complaints from immigrants and others who are too intimidated to interact with officers or other officials.
- Consult with immigrant advocates to find more comprehensive ways of identifying the public safety concerns and needs of immigrant communities—including vastly increased translation capacity, sheltered interaction, cultural translators and high officer intercultural competence.
- Identify steps to provide officers with information about the communities they serve and to facilitate relationships they need to carry out strategic collaborations that help solve crime and increase public trust.

Officer Alienation

In order to achieve department-wide buy-in for the reforms the taskforce proposes, the taskforce should:

- Identify and address the factors that will block officers from accepting the movement from what they know to a new policing model.
- Identify crime fighting policies that alienate or frustrate officers.
- Identify factors that lead to officer cynicism and corruption (E.g., futile crime fighting strategies).

Investigation Quality

In order to improve investigation quality, the task force should:

- Identify everything that adversely impacts high quality investigations—including policies, training practices, career path problems, consent decree provisions, cases, CBA provisions, supervisor practices, lack of equipment, witness reluctance, evidence processing backlogs, etc.
- Identify everything that blocks reducing the backlog of unsolved murders including all factors that limit witness cooperation and testimony.

Use of Force

The taskforce should go beyond tactics and policy to examine LAPD's use of force culture and the factors that drive officer decisions on appropriate levels of force. Several key interviewees noted that department training fosters a paranoid, action-oriented mindset that can distort threat assessments. Other experts point out that LAPD use of force culture, as contrasted with policy, does not equate excessive force with serious miscon-

duct, or abuse of force with corruption. In addition, rank and file officers complain that use of force training does not prepare them for real life threats or create a policing context in which they feel safe enough to act with greater restraint. Use of force investigations are incident driven and focus on tactics and policy compliance; they rarely delve into why officers use force or the factors that drive that decision. The taskforce should, at minimum:

- Determine why within the department there is lack of consensus on the extent to which excessive use of force is a problem. Examine the gap between officer and public perceptions of this issue.
 - Define officer understanding of what constitutes excessive force.
 - Identify strategies for high crime divisions to reduce the dangers posed to officers and to counter the alarming rise in sniper fire on officers.
 - Identify probable cause and use of force policies that officers ignore as too impractical or dangerous to obey. Find a process that gets officers to agree on lines that will be self-enforced, consistent with the law and should not be crossed.
 - Identify external drivers of excessive force—including the conditions in high crime divisions, lack of back up, fear of the community, officer attitudes about what they can get away with in high crime divisions and LAPD training that may contribute to disproportionate paranoia and inappropriate force response.
 - Identify internal factors that aggravate officers' paranoia and can lead to disproportionate force response.
 - Reconcile conflicting definitions of excessive force and abuse of force, identify the gray areas and clarify the bright lines that all officers should agree not to transgress.
- Define abuse of force as corruption and train accordingly.
 - Identify steps that help officers evaluate and meet threats with appropriate levels of force including tools and techniques that reduce the need for force and offer alternatives.
 - Clarify what is misconduct and why. Identify the gap between formal definitions of misconduct and informal practices that actually determine how officers view misconduct.
 - Determine whether post-shooting support systems and policies adequately help officers recover and whether cultural taboos reduce officer use of post-shooting support and recovery systems.
 - Identify steps needed for LAPD to move from emphasizing rote learning of rules for using force to emphasizing the thinking and judgment needed to know when it's needed and, if possible, how to avoid using it at all.

Training

LAPD training reform currently focuses on best practices, interactive teaching of tactics and state of the art equipment but not on codifying the policing pioneered at Rampart Division and in other innovative collaborative policing pilots. In addition, LAPD officers with expertise in training testified that stress simulations in LAPD training do not prepare officers for the stress they will face in the street. The taskforce should add to ongoing training reforms the following items:

- Identify the leadership skills, mindset and other attributes of the policing showcased by the team that transformed Rampart Division. Identify where current training would have to change to reflect this model and the curriculum needed to align training with these practices.

- Create leadership and supervision training for first line supervisors and sergeants. The curriculum must go beyond checking the box compliance.
- Develop apprenticeship and mentorship programs that develop leadership and determine suitability for supervisory positions.
- Identify policies, customs or other barriers that hinder moving to the policing showcased in the Rampart Division recovery.
- Identify steps needed to end the view of training as a punishment and begin the view of training as an investment. Put an end to the scarlet letter “T” of training.
- Allot training allocations beyond required POST minimum levels to reflect the priorities of academic strength, legal knowledge, rules of evidence, collaboration, community demographic knowledge and problem solving. Teach the skills of critical thinking and managing in the manner showcased in the Rampart recovery.
- Identify training strategies that counter the behaviors that produce losses in criminal cases, create civil liability and result in the corrosion of public trust.
- Create training and educational programs that instill skills and confidence that obviate the perceived need to fabricate probable cause, create misleading reports and give false testimony.
- Develop training protocols that teach management how to communicate productively with officers and the community after high profile incidents or discipline decisions so that officers learn the right lessons and tensions with the community are reduced. Instruct on the “why” in addition to the “what.”
- Develop a curriculum to study LAPD's past high profile incidents and scandals and teach the issues and lessons attached to each. Balance post-critical incident review training with problem solving, legal remedies and community knowledge as well as tactics.

- Develop a plan to rewrite the LAPD manual so that it makes sense to the average officer.

Recruitment

The taskforce should examine whether LAPD looks for Police Academy candidates with the judgment, independent thinking, high emotional intelligence (“EQ”) and problem solving abilities showcased in the Rampart turnaround. The taskforce also should address any gaps between the policing vision and recruit selection criteria used by the Personnel Department.

Discipline

Since the scandal, discipline systems have undergone significant streamlining and quality improvement. However, many officers still complain about unfair punishment for honest mistakes where training would have been more appropriate. In other words, LAPD supervisors still too often fail to distinguish between mistakes and malfeasance. In order to build on these improvements, the taskforce should at a minimum:

- Identify the curriculum that teaches the investment supervision showcased in the Rampart turnaround.
- Identify steps to get officers to engage and learn the lessons of discipline decisions.
- Identify where LAPD discipline conflicts with the Chief's vision as expressed when he told officers: “The era of playing ‘gotcha’ is over. If you make a mistake, we’ll retrain you. If you commit misconduct, we’ll punish you fairly. If you are brutal or corrupt, we will jail you.”
- Identify the factors that contribute to officer distrust of and disdain for discipline and counter them.

- Review recent changes in discipline to determine whether additional steps are needed to increase consistency, fairness and alignment with new policing vision.
- Examine how to replace the existing Boards of Rights system with another more effective and fairer discipline system.

Patrol/Incentives

Everybody interviewed agreed that patrol remains the most critical function in the department. However, years of LAPD and blue ribbon admonitions that it is critical for LAPD to elevate and invest in LAPD patrol have gone unheeded. The taskforce should, at minimum:

- Reconfigure current career paths, coveted positions, paygrade advancements and other perks to attract and keep a high level of performance at patrol.
- Rewire career paths to require multiple tours of duty in patrol before promotion.
- Use reality-based assessments to ensure that excellent officers who may not test well on oral or written exams are recognized and promoted appropriately.
- Develop promotion criteria that expressly incorporate the characteristics of policing demonstrated in the new Rampart Division.

Operations and Structure

The Rampart Division success is due in part to success in minimizing the drag of bureaucracy. LAPD has had many plans over the years that propose streamlining, flattening and other methods of cutting red tape and configuring the department to enhance effectiveness. The task force should examine these and other

strategies for reducing bureaucracy. The task force should also address the problem that several senior officers noted: LAPD is structured upside down. The department assigns the least experienced, least paid and least appreciated officers to the most dangerous jobs requiring maximum skills.

Technology

The taskforce should consider ways to leverage technology to compensate for low numbers of officers and resources, and to improve crime-fighting strategies, as was done in the 10% strategy and Compstat and the Rampart turnaround. Technology should also be used to increase collaboration and interaction with the community and help the community back officers.

Crime Fighting Strategies

The taskforce should map the factors that frustrate officers daily, including lack of local booking systems, limited jail capacity and friction with prosecutors who decline to file cases.

Officers complained that LAPD does not evaluate the effectiveness or impact of longstanding approaches to crime that do not seem to reduce the problems. The taskforce should examine policing strategies for crime reduction and long-term effectiveness and consider innovative approaches that reduce incarceration and generate community crime suppression responses.

Performance Evaluations

Prior reports noted serious deficiencies in LAPD performance evaluations. Interviewees for this report repeated the same observations that useful evaluation is rare to non-existent. The taskforce should untangle the structural and cultural barriers to

solving this longstanding critical path problem or find another system for defining success and evaluating performance.

Retaliation and Whistleblower Protection

In late 2005, LAPD drafted and issued the department's first anti-retaliation policy with whistleblower protection systems. Implementation of the policy should resolve conflicting views of the existence, definition and scope of retaliation. The policy should be vetted by outside experts who have studied this problem, and it should be closely monitored for effectiveness and for abuse by officers seeking to use the policy as a shield against deserved discipline and for adequacy of enforcement staff (currently only two sergeants have this duty). At the same time, LAPD needs to examine how its systems for job hiring, discipline and promotion get hijacked to support retaliation against officers viewed as disloyal or otherwise labeled as rejects. Taskforce members should examine the capacity, skills and placement of staff assigned to carry out the new retaliation policy.

Conflicts

The problems with conflicts within LAPD are discussed in detail The Road Behind section of this report. The taskforce should examine current conflicts policies and develop a conflicts policy that ends the kind of alarming conflicts documented in this report.

Racial Tension

The taskforce should examine internal racial rifts and find ways to decode and defuse them with creative approaches that close rather than widen the gaps or aggravate the tensions. Strategies to defuse perceptions and realities of public-police racial friction also should be explored. LAPD needs new tools, like the Implicit Association Test, that can help the department productively reframe and reduce racial and other cultural conflicts.

Telemetry

The taskforce should consult with internal and external experts in every policing specialty and area of LAPD operations to develop the right measures of outcomes and early warning criteria for each specialty and critical function in LAPD, and the questions that should be asked for each by officers, the IG and the Police Commission. Currently, the most useful measures of success and indicators of problems are not used in all cases.