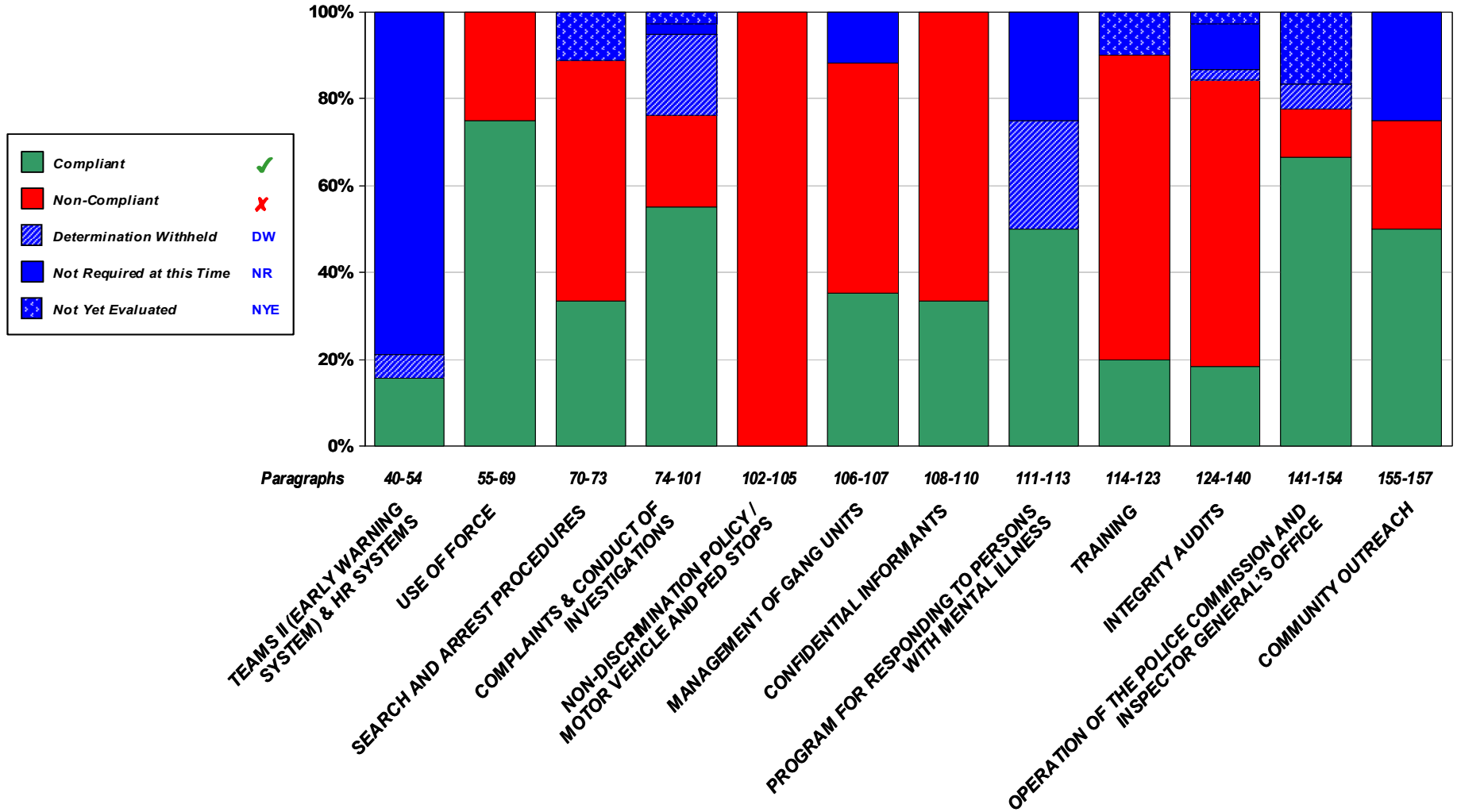


"Report Card" Summarizing the Monitor's Evaluation of Compliance
With the Consent Decree as of the Quarter Ending December 31, 2002

REPORT CARD STATUS SUMMARY



"Report Card" Summarizing the Monitor's Evaluation of Compliance
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		ASSESSMENT OF COMPLIANCE [1] (for last 5 Quarters)					EVALUATION TIMING			
		Oct- Dec 2002	Jul- Sep 2002	Apr- Jun 2002	Jan- Mar 2002	Oct- Dec 2001	Status as of Last Eval'n	Last Eval'n Quarter Ending	Next Expected Eval'n Q/E	Comments
					[2]	[2]				
I. INTRODUCTION										
1 to 38	General Provisions and Definitions									No task
II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY										
A. TEAMS II [Computer Information System]										
39	New Training Evaluation and Management System (TEAMS II)									No task
II. MANAGEMENT AND SUPERVISORY MEASURES TO PROMOTE CIVIL RIGHTS INTEGRITY										
A. TEAMS II [Computer Information System]										
40	Access by Police Commission, Inspector General & Chief of Police						NR			Pending further development of TEAMS II
41	Information to be Contained in TEAMS II (Design Assessment)						NR			Pending further development of TEAMS II
42	Input of Historical Data into TEAMS II						NR			Pending further development of TEAMS II
43	Data Analysis Capabilities						NR			Pending further development of TEAMS II
44	Linking and Cross-Referencing of Data						NR			Pending further development of TEAMS II
45	Approved Design Document	✓	DW				✓	Dec-02		
46	Protocol for Using TEAMS II (Incl. for Supervision & Audit Purposes)						NR			Pending further development of TEAMS II
47	Protocol Requirements						NR			Pending further development of TEAMS II
48	Training (re: Use of TEAMS II and Protocol Implementation)						NR			Pending further development of TEAMS II
49	Data Capture & Retention						NR			Pending further development of TEAMS II
50	a) TEAMS II Design Approved 30 Days after Submission to DOJ	✓	X				✓	Dec-02		
	b) Approval of Use Protocols 15 Months after Approval of Design						NR			Pending further development of TEAMS II
	c) Beta of TEAMS II Available 12 Months after Approval of Design						NR			Pending further development of TEAMS II
	d) Computer Program and Hardware Operational for Beta of TEAMS II						NR			Pending further development of TEAMS II
	e) TEAMS II Fully Implemented 21 Months after Approval of Design						NR			Pending further development of TEAMS II
51	Use of TEAMS I Data for Decision Making		DW				DW	Dec-02	Mar-03	
52	TEAMS II Modifications Process						NR			Pending further development of TEAMS II
B. Management and Coordination of Risk Assessment Responsibilities										
53	Human Resources Bureau Responsibilities re: Risk Assessments						✓	Sep-01		
C. Performance Evaluation System										
54	Annual Performance Evaluation System Developed & Implemented						NR			

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					[2]	[2]				
III. INCIDENTS, PROCEDURES, DOCUMENTATION, INVESTIGATION, AND REVIEW										
A. Use of Force										
55	OHB Conduct all Categorical Use of Force Admin. Investigations		✓				✓	Sep-02	Mar-03	
56	OHB Attend all Categorical Use of Force Incidents	✓		✓			✓	Dec-02	Jun-03	
	i) Notify Chief, OHB, Commission and IG	X		✓			X	Dec-02	Jun-03	
	ii) OHB Investigation	✓		✓			✓	Dec-02	Jun-03	
	iii) Senior OHB Command at Scene	✓		✓			✓	Dec-02	Jun-03	
57	LAPD Conduct Criminal Categorical Use of Force Investigations		✓				✓	Sep-02	Mar-03	
58	LAPD Notify DA of Shooting Incident or Death in Police Custody	✓		✓			✓	Dec-02	Jun-03	
59	LAPD Cooperate with DA at Scene of Incident	✓		✓			✓	Dec-02	Jun-03	
60	Individual Attorneys for Officers Involved in OIS Incidents			✓			✓	Jun-02		Evaluation date undetermined
61	Separate Statements of Officers Involved in OIS		✓				✓	Sep-02	Mar-03	
62	Supervisory Oversight for Categorical UOF Incidents & Search Warrants	X	X				X	Dec-02	Jun-03	
63	Confidential Psychological Evaluation for Officers in Deadly Categorical UOF Incident	✓		X			✓	Dec-02	Jun-03	
64	a) Officer History Considered for Non-Disciplinary Action in CUOF		X				X	Sep-02	Mar-03	
	b) Officer History Considered for Disciplinary Action in CUOF		✓				✓	Sep-02	Mar-03	
65	Requirement to Report Non-Categorical Uses of Force	X		X			X	Dec-02	Jun-03	
66	UOF Report Revised			✓			✓	Jun-02		Evaluation date undetermined
67	Commission Review Categorical UOF		✓				✓	Sep-02	Mar-03	
68	Non-Categorical Use of Force Investigations	✓					✓	Dec-02	Jun-03	
69	a) Review of Categorical UOF by Review Board		✓				✓	Sep-02	Mar-03	
	b) Non-Categorical UOF Review	X					X	Dec-02	Jun-03	
B. Search and Arrest Procedures										
70	a) Review & Approval of Booking Recommendations/Arrests by WC for Completeness and Authenticity	X					X	Dec-02	Jun-03	
	b) Evaluation of Penal Code 148 et.al. Incidents		X				X	Sep-02	Mar-03	
	c) Supervisor's Performance Evaluations Consider Quality of Supervisory Review						NYE			Meet and confer item

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71	Supervisory Review of Search Warrants and Ramey Warrants		✓		[2]	[2]	✓	Jun-02	Mar-03	Assessed for training; awaiting warrant audit for further review
	a) Review for Completeness and authenticity		✓				✓	Sep-02	Mar-03	
	b) Appropriate, Legal and in Conformance with Policy		✓				✓	Sep-02	Mar-03	
	c) Supervisory Review		X				X	Sep-02	Mar-03	
72	Search Warrant Log		X				X	Sep-02	Mar-03	
73	WC Inspection & Interview of Detainees & Arrestees		X				X	Sep-02	Dec-03	
C. Complaint Investigations										
74	Receipt/Maintenance of Complaints		✓				✓	Sep-02	Mar-03	
	i) Record Calls on 24 Hour Complaint Hotline		✓				✓	Sep-02	Mar-03	
75	Initiation of Complaint Form 1.28		DW				DW	Sep-02	Mar-03	
76	Civil Lawsuits Alleging Misconduct of LAPD	✓		✓			✓	Dec-02	Jun-03	
77	Arrest/Litigation Involving Officer			✓			✓	Jun-02	Jun-03	
78	Requirement to Report Officer Misconduct	DW					DW	Dec-02	Jun-03	
D. Conduct of Investigations										
79	IAG Review of Complaints "Face Sheet"		X				X	Sep-02	Dec-02	
80	a) Tape-Record / Videotape Interviews for CUOF & Complaint Investigations		X				X	Sep-02	Mar-03	
	b) Canvassing and Interviewing of Witnesses / Complainants to CUOF & Complaint Investigations		✓				✓	Sep-02	Mar-03	
	c) Group Interviews Prohibited for CUOF & Complaint Inv'ns		✓				✓	Sep-02	Mar-03	
	d) Notify Involved Officers & their Supervisors Regarding CUOF & Complaint Investigations		✓				✓	Sep-02	Mar-03	
	e) Interview All Supervisors for CUOF & Complaint Investigations		✓				✓	Sep-02	Mar-03	
	f) Collect and Preserve Evidence for CUOF & Complaint		X				X	Sep-02	Mar-03	
	g) Identify and Report All Inconsistencies for CUOF & Complaint		✓				✓	Sep-02	Mar-03	
81	a) Chain of Command Investigations of Complaints		DW				DW	Sep-02	Mar-03	Scheduled for review in Sep-02; could not evaluate (pre-Consent Decree incidents only)
	b) Non-Categorical Uses of Force Investigations	X					X	Dec-02	Jun-03	
82	Collateral Misconduct Investigations		DW				DW	Sep-02	Mar-03	
83	TEAMS II Access						NR			Pending further development of TEAMS II
E. Adjudicating Investigations										
84	Standards for Credibility Determinations		X				X	Sep-02	Mar-03	
85	Adjudication of Complaint Form 1.28 Investigations		✓				✓	Sep-02	Mar-03	
86	Withdrawal/Anonymous Complaint Investigations		DW				DW	Sep-02	Mar-03	
87	Timely Complaint Investigations		✓				✓	Sep-02	Mar-03	

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					[2]	[2]				
F. Discipline & Non-Disciplinary Action										
88	Chief's Discipline Report to Commission and IG	X	X	X			X	Dec-02	Mar-03	
89	a) IG Review Discipline Report	✓	✓	✓			✓	Dec-02	Mar-03	
	b) Commission Review/Assess Discipline Report	X	X				X	Dec-02	Mar-03	
	c) PC Assessment Considered Part of COP Annual Review						NYE		Sep-03	Refer to postponement explanation in report
90	Manager Review Complaint Form 1.28 Investigations		✓				✓	Sep-02	Mar-03	
91	Complaint Resolution Notification		X				X	Sep-02	Mar-03	
92	Anti-Retaliation Policy						✓	Mar-02	Mar-03	
G. Internal Affairs Group										
93	Complaint Investigations		✓				✓	Sep-02	Mar-03	
94	Reallocate Investigations from Chain-of-Command Supervisors		DW				DW	Sep-02	Mar-03	Scheduled for review in Sep-02; could not evaluate (insufficient population to review)
95	Filling Investigator Positions	✓		X			✓	Dec-02	Jun-03	
96	Chief Misconduct Complaints	DW					DW	Dec-02	Mar-03	See paragraph 145 comments
97	Scheduled Integrity/Sting Audits	✓		✓			✓	Dec-02	Jun-03	
98	Hiring of IAG Investigators/Supervisors	✓		✓			✓	Dec-02	Jun-03	
99	IAG Terms of Duty			✓			✓	Jun-02	Jun-03	
100	IAG Evaluations	✓					✓	Dec-02	Jun-03	
101	Referral of Criminal Conduct						✓	Mar-02	Mar-03	
H. Non-Discrimination Policy and Motor Vehicle and Pedestrian Stops										
102	Non-Discriminatory Policy and Assessment of Discrimination in Motor Vehicle & Pedestrian Stops	X	X	X			X	Dec-02	Mar-03	Failure to publish RFP for analysis and develop internal audit
103	Use of Discrimination in Stops/Detention	X	X	X			X	Dec-02	Mar-03	Failure to publish RFP for analysis and develop internal audit
104	Motor Vehicle Stop Reports	X	X	X			X	Dec-02	Mar-03	
105	Pedestrian Stop Reports	X	X	X			X	Dec-02	Mar-03	

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				[2]	[2]				
IV. MANAGEMENT OF GANG UNITS									
106 a) Gang Coordination		X				X	Sep-02	Mar-03	
b) Eligibility Criteria for Selection of Gang Non-Supervisory Officers		X				X	Sep-02	Mar-03	
c) Eligibility Criteria for Selection of Gang Supervisors		X				X	Sep-02	Mar-03	
d) Tour of Duty Limitations for Gang Supervisors and Officers		✓				✓	Sep-02	Mar-03	
e) i) Detention, Transportation, Arrest, Booking and Charging of Gang Arrestees			X			X	Jun-02	Mar-03	
ii) Class A or C Uniforms for Gang Officers			✓			✓	Jun-02	Mar-03	
iii) Marked Police Vehicles for Gang Officers			✓			✓	Jun-02	Mar-03	
iv) Gang Officers Check Out and Return Field Equipment from Area Kit Room		X				X	Sep-02	Mar-03	
v) Gang Officers Attendance for Patrol Roll Calls			✓			✓	Jun-02	Mar-03	
vi) Gang Unit Activities Out of Area Station			✓			✓	Jun-02	Mar-03	
vii) Gang Arrestees/Witness Interviewed at Night at Primary Area Station			✓			✓	Jun-02	Mar-03	
f) Role of Gang Unit Supervisor		X				X	Sep-02	Mar-03	
g) Role of Gang Area Managers		X				X	Sep-02	Mar-03	
h) Role of Bureau Gang Coordinator		X				X	Sep-02	Mar-03	
107 a) Eligibility Criteria for Work in Gang Units						NR			Meet and confer
b) Selection Process for Gang Unit Personnel		X				X	Sep-02	Mar-03	
c) Supervisory Review of Incidents & Impact on Eligibility to Remain in Gang Unit						NR			Meet and confer
V. CONFIDENTIAL INFORMANTS									
108 Procedures for the Handling of Informants	X		X			X	Dec-02	Jun-03	
109 Confidential Informants Database	✓		X			✓	Dec-02	Jun-03	
110 Confidential Informant Manual	X		X			X	Dec-02	Jun-03	
VI. DEVELOPMENT OF PROGRAM FOR RESPONDING TO PERSONS WITH MENTAL ILLNESS									
111 Evaluation of Other Successful Programs			✓			✓	Jun-02		
112 a) Report to Police Commission on Police Contact with Mentally III	DW	DW				DW	Dec-02	Mar-03	Pending resolution of DOJ concerns
b) Report to City Council and Mayor on Police Contact with Mentally III	✓					✓	Dec-02		
113 Audit of Police Contact with Mentally III						NR			February 2004 deadline

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				[2]	[2]				
VII. TRAINING									
A. Field Training Officers Program									
114 Eligibility Criteria for FTO		X				X	Sep-02	Mar-03	
115 FTO De-selection						NYE		Mar-03	
116 FTO Training Plan		X				X	Sep-02	Jun-03	
B. Training Content									
117 Police Integrity Training Requirements	X	X				X	Dec-02	Sep-03	
118 Public Members on Board of Rights		X				X	Sep-02	Jun-03	
119 Tuition Reimbursement						✓	Mar-02	Mar-03	
120 Communication of Training Suggestions	✓		✓			✓	Dec-02	Jun-03	
C. Supervisory Training									
121 Supervisory Training Requirements			X			X	Mar-02	Mar-03	
122 Who to be Trained re: Supervisory Training		X				X	Sep-02	Sep-03	
123 Supervisory Investigations Training		X				X	Sep-02	Sep-03	
VIII. INTEGRITY AUDITS									
A. Audit Plan									
124 Audit Plan & Responsibilities		X				X	Sep-02	Mar-03	Inadequate audit resources & inability to ensure timely audits
B. Audits by the LAPD									
125 a) Warrant Applications & Affidavits Audit						X	Dec-01	-	Deficient quality
b) Arrest, Booking & Charging Reports Audit						X	Dec-01	-	Deficient quality
c) Confidential Informant Control Packages Audit						X	Dec-01	-	Deficient quality
d) Gang Unit Work Product Audit						X	Dec-01	-	Deficient quality
126 Use of Force Reports Audit						X	Mar-02	-	Deficient quality
127 Sting Audits Reporting Protocol	✓		✓			✓	Dec-02	Jun-03	
128 1) Warrant Applications & Affidavits Audit		✓	X			✓	Sep-02	Sep-03	Significant improvement in quality
2) Arrest, Booking & Charging Reports Audit	✓					✓	Dec-02	Sep-03	Significant improvement in quality; audit not timely
3) Use of Force Reports Audit	X					X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
4) Motor Vehicle & Pedestrian Stops Audit	X	X	X			X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
5) Confidential Informant Control Packages Audit	X		X			X	Dec-02	Jun-03	Deficient quality

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129 i) Categorical Use of Force Investigations Audit				[2]	[2]	NYE		Jun-03	Audit population re: Apr-02 audit not sufficient
ii) Non-Categorical Use of Force Investigations Audit	X	X	X			X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
iii) Complaint Form 1.28 Investigations	X	X	X			X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
130 Annual Report on Complaints & Disposition						✓	Mar-02	Mar-03	
131 a) Gang Unit Work Product Audits	X	X	X			X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
b) Gang Unit Selection Criteria Compliance	X					X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
c-1) Gang Unit Warrant Applications & Affidavits Audit	X	X	X			X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
c-2) Gang Unit Arrest, Booking & Charging Reports Audits			X			X	Jun-02	Jun-03	Deficient quality
c-3) Gang Unit Use of Force Reports Audit	X					X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
c-4) Gang Unit Motor Vehicle & Pedestrian Stops Audit	X	X	X			X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
c-5) Gang Unit Informant Control Packages Audit	X		X			X	Dec-02	Jun-03	"Regular, periodic audit" not conducted
d) Gang Unit Use of Confidential Informants Audit	X					X	Dec-02	Jun-03	Deficient quality
132 Financial Disclosure Requirements & Audits						NR			Meet and confer
133 Police Training Audit	X					X	Dec-02	Mar-03	Missed December 2002 deadline
134 Skeletal Fractures During UOF Audit	DW					DW	Dec-02	Mar-03	Quality to be assessed next quarter
C. Inspector General Audits									
135 a) Timeliness of Transmittal of LAPD Audits to OIG	X					X	Dec-02	Mar-03	Transmittal not timely
b) Qualitative Evaluation of LAPD Audits	✓	X				✓	Dec-02	Mar-03	Improved quality
136 IG Review of Categorical UOF Investigations	X					X	Dec-02	Jun-03	Reporting requirements not met
i) IG Audit of Non-Categorical Uses of Force	X		X			X	Dec-02	Dec-03	Deficient quality
ii) IG Audit of Complaint Form 1.28 Investigations	X	X	X			X	Dec-02	Mar-03	"Regular, periodic audit" not conducted
137 IG Audit of LAPD's Use of TEAMS II Protocol (as per CD47)						NR			Pending further development of TEAMS II
138 IG to Use TEAMS II to Conduct Audits and Review LAPD Audits for At Risk Behavior, Practices or Procedures						NR			Pending further development of TEAMS II
139 a) IG's Recording and Tracking of Retaliation Complaints		✓				✓	Sep-02	Jun-03	
b) IG's Investigation of Retaliation Complaints	✓	✓				✓	Dec-02	Jun-03	
c) Development and Implementation of Complaint Investigation Protocols to Protect Identity of Complainant	X	✓				X	Dec-02	Mar-03	
140 Audits Initiated by the Police Commission (to be Conducted by the LAPD or IG) and Audits Initiated by the IG						NR		Mar-03	No audits initiated by the Police Commission or Inspector General

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				[2]	[2]					
IX. OPERATIONS OF THE POLICE COMMISSION & INSPECTOR GENERAL										
A. Police Commission										
141	Obligations of Commission/IG/Chief								No task	
142	✓		✓			✓	Dec-02	Jun-03		
	a) Commission/IG Review of All Categorical UOF									
	b) Annual CUOF Report Detailing Commission's Findings						✓	Sep-02	Jun-03	
143	✗					✗	Dec-02	Mar-03	Review commenced but not completed	
	a) Police Commission Review of Audits									
	b) Consider Audit Results in Evaluation of COP						NYE		Sep-03	Refer to postponement explanation in report
	c) Review and Approval of All New LAPD Policies & Procedures						NYE		Mar-03	Refer to postponement explanation in report
144	Review of Chief						NYE		Sep-03	Refer to postponement explanation in report
145	Chief Misconduct Complaints						DW	Dec-02	Mar-03	Pending review of records
146	Approval of LAPD Budget						✓	Dec-02	Mar-03	
B. Inspector General										
147	a) Notification and Observation of CUOF "Roll-outs"						✓	Sep-02	Jun-03	
	b) Notification to the PC of Non-Conformance						✓	Dec-02	Jun-03	
148	UOF Review Board Meetings						✓	Dec-02	Dec-03	
149	Promptly Providing Documents & Information to IG						✓	Dec-02	Dec-03	
150	a) IG Acceptance of Complaints from LAPD Officers						✓	Sep-02	Sep-03	
	b) Disclosure of Complainant's Identity						✓	Sep-02	Sep-03	
151	Officer Obligations to Investigate									No task
152	a) Complaint Intake Information Provided to IG within One Week of IAG's Receipt						✓	Sep-02	Jun-03	
	b) Complaint Intake Information Consistent with LAPD Policies and Procedures						✓	Sep-02	Jun-03	
153	Informing the Police Commission of Pending Investigations & Audits						✓	Dec-02	Dec-03	
C. General										
154	✗	✗				✗	Dec-02	Mar-03	Recommendations not fully tracked and implemented; deficiencies continue	

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				[2]	[2]				
X. COMMUNITY OUTREACH AND PUBLIC INFORMATION									
155 i) Public Meeting in First Year of CD			✓			✓	Jun-02		
ii) Public Meetings Annually						NR	Jun-03		
156 Website Reports	X	X	X			X	Dec-02	Mar-03 Failure to post Paragraph 104/105 data on website	
157 Meeting with Community Advisory Groups	✓		✓			✓	Dec-02	Jun-03	

Notes:

- [1] As described in the Monitor's Report for the Quarter Ending September 30, 2002, the Monitor now assesses primary, secondary, and functional compliance with the requirements of the Consent Decree. This Report Card provides an overall grade for compliance with each paragraph or subparagraph. Generally, for purposes of this report card, if the Department is not in compliance with one of the three definitions of compliance (primary, secondary, and functional) for a paragraph or subparagraph, the Monitor will find the Department in non-compliance with the entire paragraph or subparagraph.
- [2] Assessment of the Department's compliance with Consent Decree paragraphs utilizing the *Methodologies to Aid in Determination of Consent Decree Compliance* did not commence until the quarter ending June 30, 2002. Report Card "grades" were not assigned in prior quarters, although compliance assessments made in prior quarters may be included in the "Status of Last Evaluation" column.

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APPENDIX B: Monitor's Proposed Recommendations to Improve the Department's Law Enforcement Procedures

The Monitor proposes the following revisions to the LAPD's Informant Manual based upon a review of the manual and conversations with LAPD personnel:

- Section 110 uses the title “Non-Informant Sources of Information.” The use of the term “Non-Informant” in this heading is ambiguous and creates uncertainty as to whether or not this source should be packaged. As well, the directive that officers are required to verify information from these non-informant sources should be expanded to include all sources, including packaged informants.
- Section 120 fails to mention monetary compensation for citizen informants.
- Section 120 should include the steps necessary for supervisors to update informant packages that have become inactive as well as specifics for updating reactivated informants' packages. The Informant Contact Sheet should also be updated to include space for information to be added regarding inactive status.
- Section 150 lists 5 requirements that need to be met prior to conducting any investigative activity based on information given by an informant. The following requirements should be added to the list: checking for warrants; and verifying that the informant possesses a valid California Driver's License.
- Section 160 should state under “Responsibilities of the Investigator” (Responsibilities) that the first responsibility of the officer is to enter the informant into the Confidential Informant Database before that informant is used. Instructions for documenting the third and fourth Responsibilities (documentation of all contact with the informant and documentation that the supervisor was notified of any/all meetings with the informant) need to be set forth.
- The first item under “Steps Required to Complete an Informant Control Package” (Steps) under Section 160 lists items such as “Motivation” and “Association with other law enforcement agencies” but fails to instruct how to fulfill these items. Number three under Steps requires a current photograph or digital image of the informant be maintained in the packages, but fails to instruct on what kind of photograph is acceptable. For example, some officers use a downloaded driver's license and refer to it as a digital image, notwithstanding the fact that the photograph could be over five years old. Further, the section should mandate that the date on the photograph be the date it was taken, as opposed to the date it was downloaded or came into LAPD's custody.
- The first item under “Rules for Managing Informants” under Section 200 states that generally at least 2 investigators shall be present when meeting with a criminal

informant in the field. The word “generally” should be removed from this statement to make it an absolute requirement to have 2 investigators present at each meeting.

The Monitor recognizes that there may be other sections of the Informant Manual that need revisiting in addition to those sections outline above. The Monitor recommends that the appropriate LAPD personnel re-evaluate the Manual as a whole.

APPENDIX C: Specific Findings from the Monitor's Review of the Audit Division's Arrest, Booking and Charging Reports Audit (CD128(2))

This Appendix provides a detailed description of the Monitor's findings from its review the Audit Division's Arrest, Booking and Charging Reports Audit as required by paragraph 128(2) of the Consent Decree.

Comments on the Audit Process

The Monitor noted substantial improvements to the audit processes utilized for this audit. The text below highlights certain aspects of this, and identifies a few areas where further improvements could be made.

Compliance with the Annual Audit Plan

This arrest, booking and charging audit was scheduled for completion during the first quarter of fiscal year 2002-03 and was completed as scheduled.

Scope of the Audit

According to the Audit Division, the period October 1, 2001 to December 31, 2001 was selected because "...it included the most recent and complete data available from [Records and Identification] R&I Division." During the planning stages of this audit, R&I advised the Audit Division that they were experiencing a backlog of approximately 14-16 weeks with regards to entering arrest, booking and charging related documentation into their system. Therefore, the audit period selected for review was not current, and the challenges associated with obtaining copies of all of the arrest reports required for the sample selected meant that this audit could not be completed on a timely basis.

Completeness of the Audit Population

Based on the criteria as requested by the Audit Division, ITD generated a listing of Department-wide arrests for each stratum, discussed below. The population totaled 27,155 arrests. However, neither ITD nor the Audit Division maintained an electronic or hardcopy of this listing for subsequent review.

In order to verify the completeness of the population, the Monitor attempted to recreate the Audit Division's population listing using the same selection criteria as the Audit Division; however, the results generated a different population. Given the above, the Monitor was unable to verify the completeness of the population drawn by the Audit Division.

It should also be noted that the Monitor identified one multi-incident reviewed by the Audit Division, which occurred outside of the audit period.

Based on discussions between the Monitor and the Audit Division, Audit Division recommended that a study be conducted to address ITD's system shortcomings, as it impacts several audits conducted by the LAPD.

Adequacy of the Sample

The Audit Division determined their sample using a random number generator facility created by ITD. The sample was stratified to include proportionate arrests from each of the geographic bureaus, traffic divisions, vice units, Narcotics Division, Metropolitan Division and Transit Group. While the Audit Division's working papers included notes on the process followed, the Audit Division did not retain a copy of the actual print-outs from this random number generator facility, so the Monitor was unable to confirm whether the random numbers were appropriately generated.

In order to achieve a 95% confidence interval and an error rate of +/-4%, the Audit Division selected a stratified random sample of 602 incidents; but they ultimately reviewed a sample relating to 938 arrestees, because their review included all arrests with multiple arrestees, as previously recommended by the Monitor.

Issues Identified by LAPD Audit Division

The Monitor noted significant improvements in the quality of the Audit Division's audit based on the nature of its working papers, findings and recommendations. The following highlights some of the key issues identified by the Audit Division, as well as certain discrepancies between the findings of the Monitor and Audit Division.¹

Issues Relating to Completeness and Authenticity of Arrest Packages

The Audit Division determined that 315 (33%) of the arrest report packages evaluated were incomplete. This was largely attributed to several factors, including: the inability of R&I and Area Record's units to provide complete packages of the requested arrest report packages; and the failure by reporting officers to prepare arrest documents required by Department policy.

Audit Division also identified 10 instances whereby the information in the arrest package appeared to lack authenticity or was incorrect; of those discrepancies, there were 5 instances whereby the supervisor confirmed that they did not write the printed signature on the Booking Approval form. Audit Division conducted appropriate procedures to follow-up with the discrepancies identified.

¹ All of these discrepancies have been discussed with the Audit Division.

Lack of Articulation of the Legal Bases for Actions Taken

The Audit Division reported that 898 (95.7%)² of all arrest packages reviewed complied with the critical aspects of arrest reporting, which the Monitor considers to be as follows:

- Articulation of reasonable suspicion to detain (2 exceptions)
- Articulation of probable cause to arrest (3 exceptions)
- Articulation of legal basis to search (5 exceptions)
- Articulation of legal basis to seize evidence (6 exceptions)
- Articulation of compliance with Miranda protocol (28 exceptions)

Audit Division reported that the remaining 40 arrest packages (4.3%) did not properly articulate the legal basis for the action undertaken. The following were the Miranda protocol issues identified by Audit Division:

- 24 arrest packages articulated a possible violation of Miranda protocol.
- 4 arrest packages articulated violations of Miranda protocol.

The Monitor's findings differed somewhat from those of the Audit Division: the Monitor determined that one of the 4 arrest packages identified above was not a Miranda violation. Case law indicates that there are circumstances whereby a suspect can be admonished of their Miranda Rights subsequent to an initial refusal of waiver. The Audit Division subsequently concurred with this finding.

In addition to the above, there were two Miranda protocol articulation issues that were not identified by Audit Division:

- one arrest whereby the Audit Division incorrectly responded regarding the seeking of waiver and the waiver of rights from a juvenile; and
- one arrest whereby the Audit Division concluded a violation of Miranda occurred due to a juvenile arrestee being re-Mirandized; however, the juvenile had been released prior to being re-Mirandized by the Detective; case law indicates that this is appropriate.

Supervisory Oversight

The Audit Division concluded that 176 (18.87%) of the arrest report packages reviewed lacked adequate post-incident supervisory oversight. There were discrepancies involving narcotics, money or guns; inconsistencies between the arrest report and items listed as property taken into custody on the property report. Audit Division reported that

² Audit Division reported 98.7% compliance in their audit report based on the first four critical aspects of arrest reporting; they also identified Miranda protocol violations elsewhere in their report.

supervisors approved arrest reports, although certain required documents were not included in the arrest packages and/or were not prepared.

In addition to the above, the Audit Division identified numerous arrest packages that contained administrative inconsistencies with Department policy. Over 50% of the discrepancies noted related to missing documentation (Form 10.10)³. The balance contained inconsistent information, differing responses relating to the Miranda Admonition, and incongruent statements about evidence, booking charges, the arrestee's identification and/or the arrestee's disposition. These discrepancies represent further evidence of the Department's lack of adequate supervisory oversight over the arrest, booking and charging process.

Additionally, the Monitor identified one instance with discrepancies regarding the evidence seized, as articulated in the property report and the arrest report narrative, which was not identified by either the Department supervisor or Audit Division.

Patterns

The Audit Division evaluated all arrest reports for the presence of four key risk elements identified as problematic in the Board of Inquiry into the Rampart Area Corruption Incident; specifically, spontaneous statements, consent search, discarded evidence and Miranda waiver. From its current audit, the Audit Division established that none of the 938 arrest reports had all four elements present. Five arrest reports were identified that had three of the four elements present; these were reviewed as to risk management issues by the Commanding Officer, Audit Division and addressed appropriately.

The Audit Division advised the Monitor that their next arrest, booking and charging audit will sample all reports by a given officer over a period of time, which will enable them to better identify patterns of conduct by individual officers.

Additional Findings

In addition to the above findings, the Monitor also noted the following issues relating to this audit:

- The Monitor identified one instance whereby the Audit Division failed to identify a pre-booking search, which was documented on the booking approval form.
- While the Monitor did not identify any apparent discrepancies in this area, the Audit Division matrix does not address significant risk management issues relating to juvenile arrests, including contact with adult arrestees, transporting female juveniles, and contacting parent/guardian within a reasonable time period.
- Finally, the Monitor also noted that the Audit Division's working papers (i.e. matrices) did not consistently agree with their audit report; however, during a

³ A Form 10.10, also referred to as a Receipt for Property Taken into Custody, is required by Department policy to be issued anytime Department personnel seizes or takes custody of property from a person.

subsequent meeting with the Audit Division, the Monitor was provided with a spreadsheet, that properly addressed those discrepancies.

Conclusions

The Audit Division’s audit report expressed an overall conclusion that 55.5% of the arrest packages reviewed were in compliance with the following four operational objectives:

1. Completeness
2. Authenticity
3. Proper underlying actions
4. Supervisory oversight

Based upon our review as discussed above, the Monitor identified discrepancies of 4.5% between the Monitor’s and the Audit Division’s findings, calculated as follows:

No. of Issues Identified by Monitor in Sample of 147 Arrests	110	a
No. of Issues Identified by Audit Division in Monitor’s Sample	105	
No. of Discrepancies Between Monitor and Audit Division	5	b
% of Reportable Issues Identified by the Monitor	4.5%	c=b/a

Accordingly, based on the sample selected by the Monitor of 147 of the 938 arrest reports reviewed, the findings from the Audit Division’s audit are 95.5% reliable. The Monitor therefore concurs with the findings from this audit. The Monitor further supports the recommendations made.

See Appendix F for recommendations relative to improving the quality of this and future audits.

APPENDIX D: Specific Findings from the Monitor's Review of the DSD's Audit of Informant Usage by Special Enforcement Units (CD131d)

This Appendix provides a detailed description of the Monitor's findings from its review of the DSD's Audit of Informant Usage by Special Enforcement Units as required by paragraph 131d of the Consent Decree.

Comments on the Audit Process

This was the first such audit conducted by the Audit Section, DSD. Criminal Intelligence Group completed a Department-wide Informant Audit in May 2001.

Compliance with the Annual Audit Plan

The DSD's paragraph 131(d) audit was scheduled for completion during the third quarter of fiscal year 2001-02 but was actually completed by the DSD during the fourth quarter.

Scope of Audit

This DSD audit addressed paragraph 131(d) and 108(a), which addresses only one of ten provisions in the Consent Decree governing the use of informants. The Monitor also notes that this audit did not include a review of Bureau-level SEU's for use of informants; these should have been included in the DSD's scope of review.

DSD's Methodology

The DSD conducted four procedures to verify that uniformed SEU officers were not using or maintaining informants. These are set out below, along with the Monitor's comments regarding each procedure:

1. The DSD interviewed supervisors to ascertain supervisors' familiarity with the Consent Decree requirements relating to the use of and/or assignment of informants to uniformed SEU officers.
 - The questions used by the DSD to interview supervisors were all closed-ended, thereby making it difficult to ascertain the validity of supervisors' responses.
2. The DSD conducted a visual inspection of each of the SEU work sites in search of informant packages/files.
 - The DSD documented their review of SEU work sites in an electronic worksheet. While the inspections were appropriate to meet the DSD's objectives, the findings documented were vague and provided generic responses regarding the site visits; no further details were documented regarding these site visits.

3. The DSD reviewed the Confidential Informant Tracking System Database (CITSD) to assess whether it contained any informants under the control of SEU personnel.
 - While the Monitor recognizes that the DSD was not permitted to retain any documentation from the informant database (with the exception of a printout from the CITSD), the Monitor was unable to review the DSD's work product based on the limited working papers provided.
 - The above-referred CITSD printout includes summary and detailed information that do not reconcile, which the DSD did not identify/address. The Monitor's review of the CITSD revealed that this discrepancy relates to incomplete data entered into the CITSD system.
 - When comparing the information contained in the CITSD system, the DSD relied upon a "roster" of officers assigned to SEU as at March 29, 2002, which lacked historical information, Bureau SEU officers, and non-uniformed SEU personnel; however, according to the DSD, that roster was the only list available at the time the DSD conducted their fieldwork.
4. The DSD reviewed their SEU ABC audit findings, with regards to the use of informants.
 - Some arrest report narratives do not consistently articulate whether or not an informant was involved in an arrest; additional follow-up procedures should have been conducted to address these potential shortcomings in the arrest reports.
 - The DSD may not have identified all informants assigned/used by uniformed SEU officers through this procedure, as their SEU ABC audit did not include a review of all arrestees in a multi-arrest incident. Furthermore, there were 18 reports that were inadvertently not reviewed by the DSD as part of their SEU ABC audit, which may have included informant usage.

Monitor's Methodology

The Monitor compared the CITSD system with a database of all officers assigned to SEU (January 2000 – October 2002). This comparison revealed 10 informants that appeared to be active and assigned to SEU personnel or had initiated an Informant Control Package while assigned to SEU, on or about April 3, 2002 (i.e. the date of DSD's review of CITSD).

This database was established and maintained by the DSD to track officers assigned to the SEU; this system is only accessible by a select number of individuals in order to maintain its integrity.

Given the above observations, the Monitor obtained and reviewed the informant packages relating to these 10 informants and had discussions with various Department personnel. The following summarizes the Monitor's findings:

- The Monitor identified one informant who was assigned to a Detective, according to the CITSD. However, upon further review, the Monitor revealed that a uniformed SEU officer was primarily responsible for communicating with the informant, while the Detective maintained a “supervisory” role.
- Based on the Monitor’s review of the informant package and discussions with the Detective to whom the informant was assigned, contact between the informant and the uniformed SEU officer occurred 11 times during the period October 2001 to April 1, 2002.
- The DSD also advised that the SEU officer contacting the informant spent approximately 2/3 of his time conducting investigations and administrative-related duties (i.e. audits), with the balance of his time spent conducting field enforcement activities.
- While no contact was made with the informant subsequent to April 1, 2002, the Monitor concluded that on or about April 3, 2002, this informant was considered active and being contacted by a uniformed SEU officer, contrary to the DSD’s conclusion.

Issues Identified by DSD’s Audit Section

The DSD’s Audit Section found “total compliance with Consent Decree mandates and Department procedures pertaining to SEU usage.” As noted above, the Monitor identified one exception to this finding.

In addition to the above findings, the Monitor also noted the following:

- Errors were noted in the CITSD with respect to the assignment of informants to officers (e.g. informants assigned to the wrong officers as well as incorrect officer serial numbers).
- Certain informant packages could not be located.
- The Monitor identified a juvenile arrest package assigned to an officer in the CITSD system, which was set up in error as an informant package.
- Based on the sample of SEU ABC reports selected for review by the Monitor (as documented in the Monitor’s Quarterly Report dated September 30, 2002), there were no informants assigned/used by uniformed SEU officers.
- The log used by Narcotics Division to document access to the CITSD does not include an adequate audit trail regarding access/changes made to the system.

See Appendix F for recommendations relative to improving the quality of this and future audits.

APPENDIX E: Specific Findings from the Monitor's Review of the OIG's Non-Categorical Use of Force Investigations Audit (CD136i)

This Appendix provides a detailed description of the Monitor's findings from its review of the Office of the Inspector General's (OIG) Non-Categorical Use of Force (NCUOF) Audit as required by paragraph 136(i) of the Consent Decree.

Comments on the Audit Process

The OIG's audit processes were deficient in many respects: the period selected for this audit was inappropriate, the OIG's completeness tests were inadequate, the scope of the audit was incomplete, the OIG did not use a crib-sheet, and the OIG's working paper summaries did not adequately address all of the OIG's findings.

Period Selected for this Audit

The OIG selected Non-Categorical Use of Force Investigations for incidents occurring from September 1, 2001 to November 30, 2001 in order to allow sufficient time for the completion of the investigation and review process and to audit reports that were prepared under the requirements of Special Order No. 27, dated September 1, 2001. The Monitor has several concerns relative to the selection of this period:

- For this audit, the OIG was explicitly evaluating compliance with Special Order No. 27. Although this order was dated September 1, 2001, its implementation was not immediate, as the results of this audit showed. A later period for this audit would therefore have been more effective.
- The OIG commenced their fieldwork in June 2002; accordingly, the OIG could have selected a more current period for this audit.
- The report for this audit was issued in August 2002, almost one year after the period audited. The findings and recommendations from this audit were therefore stale by the time the audit report was issued, thereby minimizing the effectiveness of this audit.
- The Audit Division's previous audit of Use of Force Reports was completed on October 29, 2001. Accordingly, there was insufficient time for the LAPD to implement any of the Audit Division's recommendations before being subjected to another audit.

Completeness Testing by the OIG of the Audit Population

The OIG attempted to ensure the completeness of the population by comparing a printout from the Use of Force Review Section of the NCUOF reports of incidents that occurred

from September 1 through November 30, 2001¹, to the divisions' NCUOF tracking logs. This comparison proved unsuccessful because the divisions' tracking logs were not reliable.

No further testing was done by the OIG with respect to the completeness of the population of Use of Force Reports. The OIG's completeness testing was therefore deficient, particularly in light of the problems encountered as reported in the Monitor's Report for the Quarter Ending March 31, 2002 in connection with the Audit Division's Use of Force Reports Audit report dated October 29, 2001.

Completeness Testing by the Monitor of the Audit Population

In light of the completeness problems identified in the last Use of Force Audit conducted by the LAPD in 2001, the Monitor performed several tests of the completeness of the population of NCUOF Reports.

The first test involved comparing two different reports generated by the Use of Force Review Section Paradox software for the period from September 1, 2001 through November 30, 2001:

- a) A report of all UOF Key #'s for incidents that occurred in this period; and
- b) A report of all UOF Key #'s entered into the system during this period.

The second test involved comparing c) complaints to reported uses of force to determine if any uses of force were unreported.

Use of Force Key # Tests

The Monitor's comparisons of the reports in a) and b) above revealed that a sequential UOF Key number is assigned when each Use of Force Report is entered into the Paradox system. The Monitor suggests that such tracking numbers should be assigned at the time of the initiation of a Use of Force investigation, not at the conclusion of the investigation. This should enable tracking of all NCUOF, including those that might be in varying stages of post-incident investigation and follow-up.

The Monitor's review of the report generated in a) above revealed 35 additional Non-Categorical Uses of Force beyond those identified by the OIG for the period tested. These reports were entered into the system on or after May 4, 2002, whereas the report given to the OIG included all reports up to May 1, 2002. The Monitor recommended that the OIG perform a supplementary audit of these reports to determine if they have any risk management issues that caused them to be backlogged. This supplementary audit is currently in progress.

The Monitor's review of the report generated in b) above identified that 67 UOF reports were entered into the system from September through November 2001 that related to UOF incidents from several years prior:

¹ This report indicated that a total of 394 NCUOF incidents occurred during this period.

- 55 reports were entered for UOF incidents occurring from 1984 to 1989;
- 7 reports were entered for UOF incidents occurring from 1996 to 1999; and
- 5 reports were entered for UOF incidents in 2000.

The Monitor recommends that these old Use of Force Reports be reviewed to validate the dates of these Uses of Force and to establish whether these reports have any risk management issues that caused them to be backlogged.

Comparison of Complaints and Uses of Force

To further verify the completeness of the population, the Monitor also reviewed a random sample of 59² out of 126 relevant complaint investigations³ to determine if any Use of Force Reports should have been generated in connection with such complaints. In summary, this test revealed that all uses of force that related to a relevant complaint investigation in this period were appropriately reported on a Use of Force Report. A similar test should be performed for all future Use of Force Audits.

Scope of the Audit

The scope of the audit conducted by the OIG was incomplete as it did not address all the issues required by the Consent Decree. In addition, the OIG's scope addressed compliance with Special Order No. 27, as many of the issues therein are required to be evaluated by paragraph 136 of the Consent Decree; however, the OIG's assessment of Special Order No. 27 was incomplete. Specifically, the OIG's audit did not address:

- *Issues Required by the Consent Decree:* The OIG's audit did not address whether the TEAMS data was accurate; it did not address whether an appropriate adjudication was made for each involved officer; and it did not address whether medical treatment was provided.
- *Issues Relative to Compliance with Special Order No. 27:* The OIG's audit did not fully address whether photos were taken of all evidence recovered; it did not fully address whether all evidence was listed and booked; it did not address whether each Use of Force Report was complete; it did not address why an alternative use of force was not used; and it did not address certain particulars relevant to the suspect/subject interviews.

² This sample was selected assuming a 95% confidence interval and an error rate of +/-10%.

³ For the purposes of this review, based on discussions with the Inspector General, "relevant" complaint investigations were considered to include only those complaints for incidents arising in the period from September 1 to November 30, 2001 that were most likely to result from a use of force in this period, which was defined to be complaints alleging unauthorized tactics, false imprisonment, unauthorized force and unlawful search.

Matrix Discrepancies/Lack of a Crib Sheet

The Monitor noted certain inconsistencies relating to issues identified by OIG auditors. Some of the questions were problematic as they lacked clarity and specificity. The Monitor was advised by the OIG that the OIG changed the interpretation of some of their matrix questions during the course of their fieldwork; this problem could have been eliminated if a crib sheet was used.

Working Papers

The OIG's working papers included a summary of issues identified related to each non-categorical use of force report audited. This was a useful step which assisted the OIG in tabulating their findings in the appendix to the OIG's report. However, the use of this summary caused the OIG to miss certain issues that were identified in the audit but were not addressed in the report.

For future audits, the use of a summary document for each NCUOF report should be unnecessary if the audit working papers are automated. But if the audit working papers are not automated, the Monitor recommends that the OIG use a similar process to summarize/highlight their findings in future audits, but this summary document should also be used to highlight any risk management concerns that are not readily summarized in the manual summary document.

Comments on the Office of the Inspector General's Findings

As a result of the deficiencies in the audit processes used by the OIG, the OIG missed more than 25% of the 1,000+ issues identified by the Monitor in its sample of 85⁴ NCUOF Reports. The OIG's audit findings were therefore deficient. Approximately 180 of these discrepancies related to requirements of the Consent Decree, and the balance of the discrepancies related to the requirements of Special Order No.27. The following highlights the main discrepancies between the findings of the Monitor and the OIG.

Uses of Force Recorded in TEAMS I Data

(CD Requirement)

The OIG printed the TEAMS I reports for all officers that were involved in the Use of Force Reports audited, in order to determine whether the uses of force that occurred were reported appropriately in TEAMS I. This test was useful in order to assess whether the findings of the adjudication were appropriately reflected in the officers' TEAMS I reports. Of the 252 NCUOF reports reviewed, the OIG found:

- 6 instances whereby the TEAMS I reports were incomplete because they were missing the use of force incident that the officer was involved in; and
- 5 instances whereby uninvolved officers had a use of force incident attributed to them on their TEAMS I report.

⁴ This was a random sample selected assuming a 95% confidence interval and a +/-10% error rate, from the OIG's sample of 252 NCUOF Reports audited.

Uses of Force Properly Recorded in TEAMS I

(CD Requirement)

In order to assess whether the *types* of force used were appropriately documented in TEAMS I⁵, the Monitor obtained TEAMS I reports for all 85 NCUOF reports in the Monitor's sample and compared such reports to the NCUOF Reports and Arrest Reports relevant to such incidents. This represented 187 TEAMS I reports⁶.

This comparison revealed that in 51 of the 85 reports reviewed, there were 97⁷ TEAMS I reports for involved officers which reflected the incorrect type of force used by such officers. The Use of Force Review Section advised the Monitor that all uses of force that occurred in each incident are reflected in all officers' TEAMS I reports regardless of the type of force used; this resulted from a shortcoming of the system used by the Use of Force Review Section. Since this information is used for decision-making purposes, it is essential that such information be correct.

In addition to the above, the Monitor noted that 11 officers were involved in multiple uses of force during 2001, and 2 officers were among the 33 additional NCUOF reports not identified by Audit Division during their first NCUOF audit. One of the two officers was involved in a Categorical UOF in 2001 and three non-categorical uses of force during 2002. The Monitor recommends that Risk Management Group and the appropriate chain of command assess whether these instances represent 'at-risk behavior'.

In summary, while the Monitor commends the OIG for its initiative relating to using the TEAMS I reports, they failed to address whether there were critical anomalies therein. The Monitor will provide a list to LAPD indicating which TEAMS I reports need to be corrected, however the Monitor's listing is based on a sample of a sample. Accordingly, the Monitor suggests a separate audit be conducted to validate the accuracy of the TEAMS I data before it is transferred into the TEAMS II database.

Adjudication Appropriately Reflected on Internal Process Report

(CD Requirement)

In the Monitor's sample of 85 use of force reports, the OIG identified one instance in which a separate Internal Process Report (IPR) was not submitted for one of officers involved in a particular use of force incident. The Monitor identified three additional reports that did not contain a separate IPR for all officers involved. A separate IPR is required to be prepared for each officer involved in a use of force incident, and is used by the Commanding Officers of the Divisions, Bureaus and Risk Management Group to record the findings of the investigation and the final adjudication regarding the tactics used. The IPR is also used to track timeliness of completion of the investigation.

⁵ The OIG did not perform this type of test, notwithstanding that this is related to assessing whether the findings of the adjudication were appropriately reflected in the officers' TEAMS I reports.

⁶ One for each involved officer.

⁷ More than one officer was involved in most incidents.

*Timeliness of Completing the Non-Categorical Use of Force Investigation
(CD and SO27 Requirements)*

The OIG tested the timeliness of the NCUOF investigations based on the following criteria:

- Division management should review, approve and forward the NCUOF report to the Bureau within 14 calendar days⁸.
- The Bureau should review, approve and forward the NCUOF report to Risk Management Group within 7 calendar days⁹.
- Risk Management Group should review, approve and forward the final adjudicated NCUOF Report to the Bureau within 14 calendar days¹⁰.

While testing the above, the OIG noticed that Risk Management Group did not stamp the reports when received.

The OIG concluded that the Department was not in compliance with the timeliness requirements for completing the investigation; specifically they found that only 2 reports were prepared and reviewed in full compliance with Special Order 27 and paragraph 69 of the Consent Decree. The Monitor also identified that, of the 85 reports reviewed, only 6 reports articulated the reasons for the delay in completing the investigation¹¹; and 11 reports contained 15 discrepancies relating to timeliness issues, that were not identified by the OIG because the OIG's calculations relating to timeliness were incorrect¹².

Comparison of Transcribed Statements to Tape Recordings (CD Requirement)

The OIG identified that 35 interviews were tape recorded out of 252 reports audited. The Consent Decree requires that this audit test the accuracy of the statement summaries/transcripts.

The OIG reported that it tested a sample of 18 tapes out of the 35 identified because of time constraints, or because such tapes were not available. The OIG did not specifically track which tapes were missing. Although the OIG indicated orally that they were concerned about the missing tapes, this issue was not addressed in the OIG's report, and the OIG did not perform any specific followup to ascertain the whereabouts of the missing tapes. The Monitor notes that this approach is not appropriate for two reasons: it does not enable sufficient examination of the issues underlying this particular Consent Decree requirement, and the lack of specific followup means that tape retention issues could continue.

⁸ Required by paragraph 69 of the Consent Decree and Special Order No. 27.

⁹ Required by Special Order No. 27.

¹⁰ Required by Special Order No. 27.

¹¹ Five NCUOF reports were returned for corrections and one was delayed due to a complaint investigation.

¹² The OIG's timeliness calculations were done manually; accordingly, many were incorrectly computed. The Monitor suggests that timeliness computations be done electronically in future audits.

Based on discussions with the OIG, we understand that there are established guidelines related to the retention of tape recorded conversations that are not being followed consistently, in particular by officers who use their personal tape recorders while conducting investigations. The Monitor recommends that the LAPD's guidelines for the retention of tape recorded conversations be reiterated at the divisional level.

The Monitor also recommends that the OIG compare all tapes and transcripts for the samples selected in future Non-Categorical Use of Force audits.

Accuracy of Transcribed Statements

(CD Requirement)

The OIG tested the accuracy of the 18 transcribed statements against recorded statements by listening to the tapes and comparing against the transcribed statements. The OIG found that:

- 2 statements were deficient in the paraphrasing of the recorded statements, and
- 2 statements were recorded by the officers involved and it was unclear whether the investigating supervisor conducted independent interviews or relied upon the statements written by the officers involved.

The Monitor identified 11 reports from its random sample of 85 reports reviewed that contained recorded statements. The OIG indicated that they did not review 5 of these statements. The Monitor's findings for the remaining 6 recorded statements are as follows:

- For 1 instance, the OIG stated that the recorded statement matched the transcribed statement; whereas the Monitor concluded that it did not: the transcribed statement included details from more than one interview – one of which was recorded, the other was not.
- For 2 instances, although the OIG stated that recorded statements were taken, when answering questions about whether the recorded statement matched the transcripts, the OIG answered “not applicable”, because the OIG did not actually listen to such tapes.
- In order to determine whether there were any risk management issues associated with these statements, the Monitor listened to these tapes, notwithstanding that the OIG did not. One of these statements was from a female suspect who made 9 allegations against the officers involved. Based on the information articulated in the NCUOF investigation report, although it was apparent that the suspect was re-interviewed, it was not possible to determine whether the officers were re-interviewed, as the NCUOF report did not articulate the date, time and place of the interviews conducted.
- For 1 instance, although the OIG stated that the recorded statement matched the transcribed statement, the OIG was unable to locate the tape when requested to do so

by the Monitor, and there was a note on the OIG's matrix that stated "follow up to see if you find the tape".¹³

- In addition, the Monitor identified one report that contained a recorded statement which was not identified by the OIG.

Based on the foregoing, the OIG did not adequately address the requirements of the Consent Decree that related to assessing the accuracy of the summarized and paraphrased statements, and the OIG missed several substantive issues which should be followed up further by Risk Management Group.

Group Interviews

(CD Requirement)

Paragraph 80c and 81 of the Consent Decree prohibit group interviews in connection with chain of command investigations of Non-Categorical Uses of Force. The OIG identified one instance of a group interview, whereas the Monitor was unable to determine whether group interviews were conducted in 37 of the 85 reports reviewed because the interview transcripts/statements did not articulate the date, time and place of the interviews conducted.

Conflicting Statements

(CD Requirement)

The OIG found that 13 out of 252 reports contained conflicting witness statements. Conflicting witness statements could impact the quality of the investigation, the completeness of the evidence collected and analyzed, and the appropriateness of the adjudication. Each of these are issues that the OIG was required to assess by the Consent Decree.

The Monitor also identified from its sample of 85 reports:

- 12 additional reports that contained conflicting witness statements that were not identified by the OIG. In 10 of the 12 reports, the investigating supervisor did not articulate any efforts made to clarify such discrepancies as required by Special Order No. 27.¹⁴
- 22 reports contained conflicting information between all reports (i.e. arrest report, use of force, other investigative reports) that were not identified by the OIG because the OIG did not test conflicting information adequately. The Monitor believes that if these reports become discoverable during a legal proceeding the conflicts could discredit the credibility of the investigation as well as the officers.
- 2 reports did not contain conflicting witness statements as identified by the OIG (i.e. the OIG's response was incorrect).

¹³ Thereby raising questions about whether the tape had actually been listened to by the OIG.

¹⁴ Two of the 12 reports clearly articulated that the investigating supervisor made an effort to clarify the discrepancies.

Subject and Witness Statements Support Adjudication

(CD Requirement)

The Monitor identified two reports in which the OIG incorrectly stated that the subject statements supported the adjudication of the investigation. According to one report, the subject did not provide a statement and in the other report the subject was intoxicated and did not know what happened.

The Monitor also identified 6 reports in which the OIG incorrectly concluded whether or not the independent witness statements supported the adjudication of the investigation:

- In 4 reports, the witness statements conflicted with the officers' statements and no effort was made to clarify the conflict.
- In one report the witness statement supported the adjudication, but the OIG concluded that it did not.
- In one report the witness did not see the use of force.

Completeness of Report re: Medical Treatment

(CD & SO27 Requirement)

The OIG identified 18 use of force reports that articulated that medical treatment was provided to the subject¹⁵, whereas the Monitor identified 19. Within these reports, the OIG identified 6 use of force reports that articulated the details of the injuries sustained, and the nature of medical treatment provided, whereas the Monitor identified 7. The Monitor considers that the requirement to document the nature of the injuries sustained and the medical treatment provided is related to assessing the completeness of the investigation. This is also a requirement of Special Order No. 27 which requires that the supervisor completing the use of force investigation "document all visible and complained of injuries, including any medical treatment provided", and include a determination as to whether the injury is consistent with the tactics used by the officers during the incident.

Cutting and Pasting

(CD Requirement)

The OIG included cutting and pasting in its report under the heading "Inappropriate Use of Canned Language." The OIG did not identify any reports with canned language, however, the OIG identified 30 of 252 NCUOF reports that contained cutting and pasting. The Monitor identified 39 additional instances of apparent cutting and pasting in the Monitor's sample of 85 reports reviewed. Based on discussions with the OIG, this discrepancy resulted from the OIG's narrow interpretation¹⁶ of cutting and pasting as compared to that of the Monitor¹⁷. The OIG concurs with the Monitor's conclusion that this practice discredits the credibility of the investigation.

¹⁵ In the Monitor's sample of 85 use of force reports.

¹⁶ The OIG's examination was restricted to identifying instances where the investigating supervisor used the same language for multiple witness statements, but did not look for instances of cutting and pasting between reports.

¹⁷ The Monitor identified *all* instances of cutting and pasting within the Arrest Report, UOF Report and between the two reports.

Photos & Other Evidence

(SO 27 Requirement)

The OIG tested compliance with the evidentiary requirements of Special Order No. 27, however the OIG missed a total of 10 instances in the Monitor's sample of 85 whereby:

- The evidence was not fully listed and booked (2 instances missed by the OIG of 47 found by the Monitor);
- Photographs were not taken of the evidence recovered (6 instances missed by the OIG of 29 found by the Monitor);
- Photographs were not taken of the scene (1 instance missed of 12 found by the Monitor);
- Photographs were not taken of the involved officer's injuries (1 instance missed of 11 found by the Monitor); and
- The narrative in the use of force report does not articulate why certain evidence was not collected (1 instance missed of 2 found by the Monitor).

Supervisory Oversight

(SO 27 Requirement)

The OIG identified 7 instances within the Monitor's sample of 85 NCUOF whereby the supervisor was at the scene but the Watch Commander did not evaluate the supervisor's actions. However, the OIG failed to identify one instance whereby the supervisor who witnessed and was involved in a non-categorical use of force, also conducted the investigation; this represents a violation of Special Order No. 27. The Monitor noted that in the majority of the cases reviewed, the NCUOF reports do not articulate if the investigating supervisor also witnessed or was involved in the use of force. The Monitor recommends that this be established as a requirement in the next revision of the Use of Force Report form.

Other Issues

(SO 27 Requirements)

In addition to the foregoing, the Monitor identified a number of issues that were tested by the OIG in order to assess compliance with Special Order 27, but the OIG's testing was deficient, including instances involving:

- Conflicting witness statements;
- Injuries that were inconsistent with the use of force articulated;
- Mistakes related to the tracking of training in TEAMS;
- Documentation that was missing regarding whether training was taken;
- Verbal warnings documented on the use of force face sheet; and
- Incomplete use of force face sheets.

See Appendix F for recommendations relative to improving the quality of this and future audits.

APPENDIX F: Monitor's Proposed Recommendations to Improve Future Audits

The Monitor proposes a number of recommendations to improve the quality and timeliness of future audits and reviews to be conducted by the LAPD and the OIG. While most of these recommendations are targeted at the auditors who perform such audits, some of the recommendations proposed are targeted at the LAPD's records and information technology personnel and at divisional personnel.

1. Recommendations Applicable to the LAPD's Records & Information Technology Personnel

a) TEAMS I Data Corrections

The LAPD should reconcile the data in the Paradox system which itemizes the types of force used by officers to the data in the TEAMS I system to ensure that inaccurate information is identified and corrected. Alternatively, the use of force data in TEAMS I should be purged and rebuilt.

Regular, periodic audits should be conducted of the data contained in TEAMS I (and later TEAMS II) to ensure that the data contained therein is reliable and complete.

b) Timeliness of Data

In order for the audits performed by the LAPD and the OIG to be effective, they need to be timely. This is not possible to achieve if the records that are the basis for such audits are not available, either because such records are not yet filed, or because of data processing backlogs (for instance, scanning of arrest reports, input of use of force data, tracking of search warrants, and identification of active confidential informants). In order to remedy this, in addition to the recommendations proposed by Audit Division¹, the Monitor proposes the following recommendations:

- Resources should be assigned to Records & Identification (R&I), the Use of Force Review Section, and any other departments collecting or processing data that will be the basis for any future audits to be performed.
- Deadlines should be established for each department involved in data processing functions. Such deadlines should be established in consultation with the Audit Division, and should be monitored by LAPD's Administration Group.
- As each audit approaches, extra effort should be made to remedy any ongoing backlogs and adhere to the deadlines established.

¹ The Monitor endorses the recommendations proposed by Audit Division in their Arrest Booking and Charging Reports Audit Report dated September 15, 2002.

c) Regular Periodic Audits of Data Integrity

As the LAPD relies on data maintained in its databases for a variety of decisions, including promotions, transfers, adjudications and audits of at-risk behaviour, it is important that such data is reliable and complete. The Monitor therefore recommends that either:

- a process is established to conduct regular periodic audits of the accuracy and completeness of the data in such databases – such audits could be completed by those who intend to rely on such data, or by the LAPD’s data processing personnel, or by Audit Division, or
- the scope of the audits in the existing annual audit plan could be expanded to test the accuracy and completeness of the data used for the audits performed.

For instance, regular, periodic audits should be conducted to ensure that:

- the data in the confidential informant database is consistent with the number of active informant packages;
- the data in TEAMS I matches the data in Paradox, and also matches the data in the Use of Force Reports, with respect to the uses of force used by each officer; and
- the dates on each search warrant matches the dates in the search warrant tracking logs.

d) Tracking of Use of Force Incidents

The LAPD currently assigns a tracking number to each use of force after each use of force investigation has been approved by various levels in the chain of command, and has been adjudicated by Risk Management Group. As required by Special Order No. 27, most uses of force are therefore not trackable until approximately 21 days after the use of force incident occurred. Uses of force that are subjected to further investigation and followup take longer than this to be adjudicated, and are therefore not trackable for longer than 21 days. As identified in the Monitor’s review of the OIG’s Non-Categorical Use of Force Investigations Audit, some use of force incidents were not tracked for many years after the use of force incident occurred.

The lack of timeliness of such data could impact the decisions being made by the LAPD.

Consideration should therefore be given to assigning a use of force tracking number when the Use of Force Report is completed by an investigating officer and approved by the watch commander. This could be accomplished by submitting a copy of the Use of Force Report to the Use of Force Review Section when that report is also submitted to the Division Captain for approval purposes. The Use of Force Review Section could then update the use of force database to indicate which officers were involved in a use of force that is pending adjudication by entering the following information for the officers involved: “pending use of force adjudication”. Such information could then become part

of the TEAMS I data, and should be updated when the use of force investigation has been adjudicated.

2. Recommendations Applicable to All Future Audits

a) Current Period Selected for the Audit

The scope of future audits should be based on data/information that is as current as possible, so that the final audit report is based on recent LAPD work product. This is necessary in order to provide timely feedback to the LAPD regarding their progress and areas where further improvements are required. It is also necessary in order for the audits to be effective in identifying and rectifying at-risk behavior that could escalate/become problematic if it were to go unchecked.

As a guideline, the Monitor suggests working towards a timeframe of no more than 6 months between the date of the incident that will be subjected to an audit (i.e. the date of the arrest, or the date of the use of force incident, or the date of the search warrant), and the date when the relevant audit report is submitted to the Police Commission. Over time, this 6 month timeframe should be reduced even further.

The Monitor has several suggestions to achieve this:

- Resources should be assigned to address any backlogs of more than one month by Records & Identification (R&I), the Use of Force Review Section, and any other departments collecting or processing data that will be the basis for any future audits to be performed (as discussed earlier in this Appendix).
- As each audit approaches, the Audit Division or OIG should advise the relevant data processing and records personnel of their upcoming needs – to give such personnel at least one month's warning to remedy/improve any ongoing backlogs.
- Samples should be selected based on recent data in the LAPD's databases, and the audit should commence using the reports that are immediately available.
- If it is not possible for the LAPD's records/IT personnel to address the backlog before the next audit commences, they should be asked to provide photocopies of the missing reports before scanning them into their system.
- As a last resort, reports that are not available from LAPD's records/IT personnel could be obtained directly from the Divisions, either through searches conducted by staff at each division or by Audit Division/Inspector General staff, or a combination thereof.

b) Reducing the Time Required to Conduct the Audit

Further to the recommendation above, initiatives should be considered which would streamline the audit process and reduce the elapsed time for each audit, such as reducing the steps involved in each audit, reducing the sample sizes selected (discussed in further

detail below), adding staff to the Audit Division and Office of the Inspector General, and/or increasing the size of the teams assigned to each audit.

c) Reduction of Sample Sizes

As previously recommended by the Monitor, the Audit Division and Inspector General should hire at least one person with a statistics background or consult an external statistician (such a person could be shared between the Audit Division or Inspector General). The role of this person would be to establish minimum sample sizes that maintain statistical significance while minimizing the cost; in other words, the role of this person would be to establish sample sizes that provide sufficient information regarding police behavior, while minimizing the work required to obtain such information.

The role of this person would also be to assist in interpreting and reporting on the findings from the audits conducted.

d) Working Papers

The Audit Division/OIG should maintain working papers, ideally in electronic form, to support the determination of the population and random reports selected for review. This would include maintaining the detailed listing of arrests, uses of force, searches, or other reports that comprise the total population, as well as the listing of reports selected for the stratified random sample.

The Audit Division/OIG should use an electronic version of their audit matrix when performing their audits to ensure that their matrices are updated as their findings evolve. We noted several instances where the answers on the matrices used by the Inspector General did not agree with the OIG's final report.

If an electronic matrix is not used, the Audit Division/OIG should take additional steps to ensure that their matrices and other working papers are complete and agree with the findings included in their audit report.

In addition, the use of electronic matrices will enable the Audit Division and OIG to perform more effective pattern analyses, and will also enable a comparison of the findings between audits. Electronic matrices will also be more reliable for the purposes of testing timeliness provisions². Electronic matrices will also facilitate the reporting process, as the findings from each audit can be readily tabulated electronically, instead of needing to be tabulated manually.

e) Incidents Excluded from the Population Previously Audited

In many of the audits conducted to date, certain incidents were excluded from the population audited for a variety of reasons, ranging from delays and errors in the

² For instance, the timeliness tests related to the completion, approval and adjudication of all Non-Categorical Use of Force Reports.

processing of data relative to such incidents, to reports being sealed in order to protect the confidentiality of certain persons mentioned in such reports.

The circumstances that led to the exclusion of each incident from the audit should be considered. Depending on such circumstances, such incidents should then be either:

- subjected to an immediate supplemental audit to ascertain whether there are any risk management issues that need to be addressed; or
- included as a separate strata in the next audit.

f) Dating of Audit Reports

Each audit report should be dated based on the date when the last substantive change was made to that audit report. This anticipates that there may be some substantive as well as non-substantive edits required before a report is finalized and approved for submission to the Police Commission, but it is intended to minimize the extent of non-substantive edits that might otherwise be generated.

g) Reporting on Prior Recommendations

As recommended in the Monitor's Report for the Quarter Ending September 30, 2002, each successive audit report "should include a section which discusses the progress on recommendations and issues identified for followup in prior audit report(s)". The Arrest Booking and Charging Reports Audit completed on September 15, 2002 by the Audit Division is a good example of how this could be tracked, however the scope should include tracking of recommendations from *all* previous audits in that area, until such time as it is evident that the prior recommendations have either been implemented, or a formal decision has been made not to adopt such recommendations.

3. Recommendations Applicable for the Next Arrest Booking & Charging Reports Audit Required by Paragraph 128(2) and 131(c-2) of the Consent Decree

a) Additional Arrest Reports Not Subjected to an Audit Previously

There were 18 arrest reports that were excluded from the scope of arrests audited by the DSD in their Gang Unit Arrest Booking and Charging Reports Audit dated March 29, 2002. If not already done, such arrest reports should be the subject of a supplemental audit to determine if there are any risk management issues that need to be addressed in connection with such arrests. This supplemental audit should not wait until the next department-wide audit is completed.

b) Allowing Time for Recommendations to Be Implemented

In light of the extent of problems identified by the Audit Division in their recent Arrest Booking & Charging (ABC) Reports Audit, unless there is a particular reason to do the next ABC audit sooner, the Monitor suggests that the Audit Division consider amending

its Annual Audit plan to defer the next ABC Audit to fiscal year 2003-04. This would allow time for:

- the recommendations from the Audit Division's recent September 2002 ABC audit to be implemented;
- ITD and Records and Identification to clear their backlog;
- the Divisions to implement an internal inspection process to enhance their supervisory oversight over the arrest process;³
- training to be conducted regarding improvements to the arrest process; and
- Audit Division to complete at least one audit for all the areas that have not yet been subjected to an audit.⁴

c) Improving the Quality of the Audit Fieldwork

The Audit Division should expand their matrix and crib sheet for the next ABC audit as follows:

- Question No. 18 addresses the articulation of responses to waiver of Miranda rights. The Audit Division should accept responses if the arrest report narrative either articulates the arrestee's response or indicates waiver (or lack thereof).
- Question No.'s 29 and 42 should be revised to identify the individual(s) seizing evidence in a given matter (i.e. officer vs. private person).
- The Audit Division should add questions which address risk management issues specific to the arrest of juveniles.
- The crib sheet should require the auditors to follow-up with the Department whereby articulation (or lack thereof) in the arrest report and/or supporting documents affects the Audit Division's ability to respond to a question (particularly "Unable to Determine" responses for significant risk management issues).
- The matrix and crib sheet should make it clear that all documents included in the arrest package relating to an incident should be evaluated (i.e. including documents created prior to the date of the incident/arrest).

The Monitor also recommends that the Audit Division have one auditor review each complete arrest package (i.e. all arrestees involved in multi-arrest situations) in order to ensure consistency of responses.

³ The Monitor understands that West Valley Bureau has implemented a checklist for this process that could be used by other Bureaus.

⁴ Until such time as the Audit Division gets caught up, the Monitor will continue to find the LAPD in non-compliance with respect to audits that have not been completed on a regular, periodic basis.

d) Tables in the Audit Division's Report

Future ABC Audit reports should include a summary table of findings that includes key risk management issues addressed; in other words, a more detailed table should be included in the next report that goes beyond the table included in the current Arrest Booking and Charging Reports Audit, which only addresses the overall findings for the four operational objectives reviewed.

4. Recommendations Applicable for the Next Use of Force Audit Required by Paragraph 128(3), 131(c-3) or 136i of the Consent Decree

a) Addressing the Needs of the Gang Unit Audits

A department-wide Use of Force Reports Audit is currently underway and is expected to be completed in the quarter ending March 31, 2003. This audit includes gang unit Use of Force incidents. The Monitor suggests that a separate report be prepared which addresses the findings related to the gang unit incidents, and which also addresses the requirements of paragraphs 128 and 131.

b) Completeness of the Population

A printed report should be requested from the Use of Force Review Section before the next Use of Force Audit is finalized to check whether any additional Use of Force Reports were entered into the Use of Force database that need to be considered as part of the scope of review of that audit.

The next audit should consider assessing (a) the NCUOF incidents that occurred during the period of the audit, as well as (b) all the NCUOF reports entered into the Paradox system during the period of the audit. Such an assessment should consider whether Risk Management Group is aware of the backlog in processing the reports in (b), and should also consider the implication of any delays in processing such data on TEAMS.

The next Use of Force audit should compare complaints to use of force reports to ensure that all alleged uses of force are indeed reported on a Use of Force Report.

c) Improving the Quality of the Audit Fieldwork

A crib sheet should be used in the next audit to help ensure that the auditors performing the next Use of Force Audit understand how they should be answering the questions that are the subject of the audit. This should help to ensure the reliability of the audit.

In addition, the use of a crib sheet will help to ensure the comparability of the results of the audits performed from one year to the next.

d) Follow-up on Patterns/Anomalies

Any anomalies/patterns identified in both the current as well as the next Use of Force Audit should be followed up with Risk Management Group, and should also be followed up at the divisional level. The divisional followup could include correspondence through the appropriate chain of command for any incidents of at-risk behavior identified, including, but not limited to:

- officers with multiple use of force incidents during the period tested;
- instances of suspected cutting and pasting; and
- instances with conflicting information.

5. Recommendations Applicable for the Next Gang Unit Use of Confidential Informants' Audit Required by Paragraph 131(d) of the Consent Decree

a) Scope of Work

Future audits should include any Bureau-assigned SEU personnel in order to fully assess compliance regarding the use of informants.

b) Interview of Supervisors

The DSD should expand the questions they use to interview SEU supervisors, including the use of open-ended questions in order to better assess supervisors' knowledge of Consent Decree requirements relating to the use of informants; this, coupled with improved documentation of responses, would result in more complete working papers and would assist during future evaluations of the DSD's audits.

c) Site Visits

The DSD should improve the documentation of their findings relating to site visits, such as through the use of a detailed log and/or photographs, which would provide additional support in respect of their observations (again, to assist in the future evaluation of the DSD's audits).

d) Understanding the Limitations of Information Received/Relied Upon to Conduct the Audit

The DSD should address discrepancies relating to information received during their audits. In addition, the DSD should make recommendations to the Department regarding such discrepancies in order to resolve them.

Further, in order to test informant usage by SEU officers, the DSD should use rosters including all SEU-assigned personnel as generated by the DSD SEU Database rather than the listing generated by Paradox, given the inherent limitations of the latter system.

e) Confidential Informant Tracking System Database (CITSD)

The CITSD, a system that is maintained by Narcotics Division, should be reviewed in order to resolve the discrepancies identified by the Monitor in the Monitor's current and prior Quarterly Reports.

6. *Recommendations Applicable for the Inspector General's Review of Categorical Use of Force Investigations Required by Paragraph 136 of the Consent Decree*

a) Explicit Reporting to the Police Commission

The Consent Decree requires that the Inspector General evaluate and report to the Police Commission on each Categorical Use of Force investigation with respect to the quality, completeness and findings of each investigation, the timeliness of each investigation, the accuracy of the statement summaries/transcripts, the completeness of the evidence collected and analyzed, and whether the investigation was properly adjudicated. The Monitor suggests that the layout of the Inspector General's reports to the Police Commission be modified to address each of these requirements explicitly.

7. *Recommendations Applicable to the Divisions*

a) Endorsement of Recommendations in the Audits Assessed in this Quarter

The Monitor endorses and supports the many recommendations made in connection with the audits assessed by the Monitor in this quarter, namely:

- the Audit Division's Arrest Booking and Charging Reports Audit Report dated September 15, 2002;
- the Criminal Investigation Group's Confidential Informant Control Packages Audit Report dated September 1, 2002 and the OIG's review thereof;
- the DSD's Gang Unit Use of Confidential Informants Audit Report dated May 29, 2002 and the OIG's review thereof; and
- the OIG's Non-Categorical Use of Force Investigations Audit Report dated August 15, 2002.

b) Training

While the Audit Division made appropriate recommendations relating to training of Department personnel in respect of the completion of documents, report writing and other requirements associated with arrest reporting, in light of the lack of supervisory oversight evident from the Arrest Booking and Charging Reports Audit, the Department should ensure that all levels of personnel receive this training, including supervisors.

c) Articulation of Miranda Rights in Arrest Reports

Guidance should be provided to the Department regarding the articulation of Miranda Rights in arrest report narratives; specifically, the timing, location and responses relating to admonishment and seeking of waiver of Miranda Rights should be included in the narrative.

d) Articulation of Involvement of Investigating Supervisor in Uses of Force

Special Order No. 27 requires that an uninvolved supervisor investigate all uses of force; in other words, a supervisor who did not witness or was not involved in the use of force should investigate uses of force. The Monitor identified one instance whereby a supervisor who witnessed and was involved in a non-categorical use of force, also conducted the investigation, however in the majority of the cases reviewed, the NCUOF reports do not articulate if the investigating supervisor also witnessed or was involved in the use of force. The Monitor therefore recommends that the next revision of the Use of Force Report form should include a section requiring the investigating officer to confirm that he/she did not witness and was not involved in the use of force.

e) Timeliness of Certain Aspects of the Use of Force Investigation Process

The Divisions, Bureaus and Risk Management Group should date stamp the Use of Force Reports when received.

The Use of Force Reports should articulate the date, time and place of all interviews conducted during a use of force investigation.

f) Safe-Keeping of Taped Interviews

The OIG was unable to test whether the transcribed statements matched the recorded statements for several interviews that were taped because the tapes of such interviews could not be located. As this is a requirement of the Consent Decree, the Monitor suggests that the LAPD's guidelines for the retention of tape recorded conversations be reiterated at the divisional level.