

EXECUTIVE SUMMARY

Overview

This report summarizes the City's Consent Decree implementation activities, focusing on actions taken since the City's October 15, 2001, report to the Court. The City is currently in primary compliance (e.g. the City has policies and procedures in place) with all Consent Decree provisions scheduled for implementation prior to January 15, 2002, except for paragraph 110, publishing of a confidential informant manual. The City is partial functional compliance (e.g. compliance with policies and procedures in everyday operations) with several Consent Decree paragraphs. The City is taking actions to address both primary and functional compliance issues.

The City continues to work to comply with the various Consent Decree provisions. Efforts since October 15, 2001 have included: 1) hiring of staff; 2) identification, and as appropriate, leasing of space; 3) executing contracts and preparing requests for proposals for outside consultant services as appropriate; 4) development and adoption of required changes to LAPD policies and procedures to both implement and monitor the provisions of the Consent Decree; 5) training and implementation of required policies and procedures; 6) monitoring compliance and implementation activities; 7) initiating corrective actions when compliance and/or implementation issues are identified. The City continues to work to develop methods of monitoring and verifying compliance with the various Consent Decree provisions. In some instances this has required development of new procedures and programs.

Implementation Status

Attached is a summary of implementation activities, by Consent Decree paragraph, undertaken by the City to implement the Consent Decree, focusing on activities taken since October 15, 2001. The City has had delayed primary compliance with paragraphs 50 and 110 and partial functional compliance with paragraphs 62, 67, 69, 87, and 143.

Delayed primary compliance issues and corrective actions are summarized below.

Paragraph 50: The City was required to respond to the comments submitted by U. S. Department of Justice (DOJ) on the Risk Management Information System (RMIS) Requirements/Design Document within 10-days. The City's response to DOJ's comments were due November 26, 2001. The City submitted a global response to DOJ's comments on December 12, 2001. Response to the DOJ's approximately 135 data element requests were submitted to DOJ on January 15, 2002. The DOJ is reviewing the City's responses. The City will cooperatively work with the DOJ to resolve any remaining issues.

Paragraph 110: The City has delayed primary compliance with the requirements to publish a Confidential Informant Manual by December 15, 2001. A draft Confidential Informant Manual was provided to the District Attorney's Office in December. LAPD has received comments from the District Attorney's Office and is in the process of incorporating those comments into the manual as appropriate. It is

currently anticipated that the manual will be submitted to the Police Commission for consideration in February.

Partial functional compliance issues and corrective actions are summarized below.

- Paragraph 62: The City has experienced difficulty in functionally complying with the required review of a supervisors' presence or absence at a Categorical Use of Force within the 7-day time frame. LAPD has established procedures for the Critical Incident Investigation Division (CIID) to notify managers of offices involved in a Categorical Use of Force that a review is required within 7-days to be submitted to CIID. Compliance with this provision is now being tracked by CIID.
- Paragraph 67: This provision of the Consent Decree requires that reports regarding Categorical Use of Force investigations be provided to the Police Commission at least 60 days before the running of any statute of limitations that would restrict the imposition of discipline related to such Categorical Use of Force, or a report detailing why an investigation is not complete (a "sixty day" report). One "sixty-day report" has been provided the Commission. Nine incidents have been identified where the required 60-day report was not submitted. In one such case, the statute of limitations was exceeded. The LAPD, Inspector General, and Police Commission will be working to establish appropriate systems and controls to remedy this compliance issue. The Consent Decree Workgroup will monitor this requirement on a monthly basis.
- Paragraph 69: The City may be experiencing difficulty with functionally complying with the 14-day non-categorical use of force investigative period, unless a deficiency is detected in which the investigation shall be completed within a reasonable time. Seventy percent of non-categorical use of force investigations exceed a 14-day period, however the circumstances surrounding these extended investigation is unknown. The Inspector General has initiated an audit of non-categorical use of force investigations, consistent with the requirements of paragraph 136, and compliance with this provision will be evaluated. The City will act to remedy any deficiencies identified through the audit.
- Paragraph 79: The City has experienced difficulty in functionally complying with the 10-day period provided for processing complaints from the LAPD in-take location to IAG. However, the LAPD continues to improve its performance over time. LAPD had a compliance rate of 47% in October, 59% in November, and 57% in December. A revised complaint in-take form was implemented in October, with full use of the form anticipated in January, which is anticipated to further facilitate compliance. A compliance rate of 69.5% was achieved in December when evaluated based upon the revised complaint in-take forms only. The City will continue to monitor compliance with this provision on a monthly basis.

Paragraph 87: The City continues to experience difficulty in functionally complying with and monitoring the 5 month investigative time frame for complaint investigations, absent extenuating circumstances. Although complaint investigations completed by IAG are completed in time frames consistent with the Consent Decree, the majority of complaint investigations are performed by the chain-of-command. The absence of a department wide complaint tracking system that captures investigative time frame currently hampers the City's ability to track investigative time frames for complaints investigated by the chain-of-command. The IAG revised an existing computer system to capture investigation complete dates beginning January 7, 2002. This will allow the City to track chain-of-command complaint investigation periods. However, due to the length on complaint investigation periods and the recent implementation of the tracking system, an assessment of complaint investigation time frames for compliance with the 5-month investigative goal is still months in the future. The City continues to monitor compliance with this provision and seek methods of streamlining the complaint investigation process.

Paragraph 127: The LAPD completed one integrity report, with the results of eleven integrity audits, in this reporting period. The results of the audit were reported to the Chief of Police on December 10, 2001, and subsequently communicated to the Police Commission on January 4, 2002. This exceeds the 14 -day reporting time frame provided in Consent Decree paragraph 127. The LAPD and the Police Commission are reviewing the integrity audit reporting process to ensure adherence to the 14-day reporting time-frame.

Paragraph 143: In the last quarter, the City had difficulty functionally complying with the requirement that changes to LAPD procedures relating to Consent Decree implementation approved by the Chief of Police be placed on the Police Commission agenda with 14-days. LAPD refined its procedures and has largely complied with this provision during this reporting period. However, three items have been identified as not being submitted for Police Commission approval within the required 14-day time frame.

Status of Implementation of Major Provisions

Risk Management Information System (RMIS) Development

The City submitted the Risk Management Information System (RMIS) data elements on September 17, 2001, and the RMIS Requirements/Design document on October 1, 2001 to the DOJ and the Independent Monitor. DOJ provided comments on the document to the City on November 7, 2001. Comments have not been received from the Independent Monitor to date. The City submitted a global response to DOJ's comments on December 12, 2001. Response the approximately 135 data element requests was submitted to DOJ on January 15, 2002. The DOJ is reviewing the City's responses. Work on the RMIS is currently focused on technical architecture issues, pending DOJ approval of the RMIS Requirements/Design Document.

In addition to the RMIS, the City has identified the need for a Use of Force System (UOFS), Complaint Management System (CMS), and a central security module for access control and security for the RMIS, UOFS, and CMS. These system development activities in conjunction with all other activities required to implement the RMIS, such as interfacing with existing LAPD computer systems, infrastructure development, etc. have been collectively termed the “TEAMS II Development Program” by the City.

The City contracted with IMB Global Services in December to provide technical architecture service for the TEAMS II Development Program. The technical architect has met with City staff and other TEAMS II contractors to verify and document in detail the TEAMS II Development Program architecture functional, performance, and capacity needs. In later stages of work, the technical architect will develop hardware and software recommendations for the building blocks of the TEAMS II Development Program, including source system/RMIS data interfaces, databases, metadata repository, the Database Management System, the data security layer, the network, and hardware platform. Resolution of these issues are essential to the design of all new systems, such as RMIS, CMS, UOFS, and the central security module, and to the City’s ability to successfully ensure that these systems work together.

The City contracted with Information Builders, Inc. (IBI) on July 30, 2001, for development of requirements and design of a Complaint Management System (CMS). A draft CMS Design Document has been completed, however several technical issues important to CMS design are currently under review by the technical architect. Work on the CMS is in many aspects therefore contingent upon information to be provided by the technical architect. The City is investigating a manner in which it can continue with CMS development in light of these information gaps, to ensure forward movement with system development. Development of CMS screen prototypes is an option under consideration by the City.

Work on the UOFS has been delayed.

As reported to the Court on October 15, 2001, with the development of several important and complex computer systems concurrently, several documents and processes require concurrent review by the City. This has been difficult and has resulted in delays in some cases. The City investigated options to enhance TEAMS II program management to better enable the City to accommodate the workload associated with concurrent system development and ensure adequate oversight of system development. In December 2001, the City acted to establish an “LAPD Management System Reengineering Program,” (MSRP). The MSRP is overseen by a Deputy Chief, and consists of Information Technology Agency staff and LAPD staff from Risk Management Group (RMG), Information Technology Division (ITD), Critical Incident Investigation Division (CIID), Internal Affairs Group (IAG), and other LAPD entities as necessary, with primary responsibility for the development and implementation of the TEAMS II Program, including but not limited to the RMIS, CMS, UOFS, Security Module, Deployment Period System, and interfaces with existing systems. The TEAMS II Development Project requires both LAPD and ITA resources in order to be successfully implemented. Combining LAPD and ITA resources into the MSRP will ensure close coordination and communication between these essential entities.

A Deputy Chief position was established to head the MSRP to ensure the authority necessary to draw on the diverse resources of LAPD. Resources from various LAPD entities, all of which lie within separate chains of command within LAPD, will be required to design and test the various TEAMS II Development Program systems. Such direct oversight by a Deputy Chief is also anticipated to better ensure the successful implementation of the complex TEAMS II Development Program.

The majority of MSRP core staff positions will be filled with current City employees that have participated in the TEAMS II Workgroup, are familiar with the various projects, and have knowledge in required areas of expertise. That core group is currently in the process establishing the overall staffing needs of the MSRP. Total staffing needs for the MSRP have been estimated at between 30 and 50 individuals.

Investigations and Review of Categorical Uses of Force

The Consent Decree includes several enhancements to the City's use of force review investigations and specifically requires the establishment of a unit within Operational Headquarters Bureau with responsibility for investigation of Categorical Uses of Force. The Critical Incident Investigation Unit (CIID) became operational and has rolled out on a 24-hour basis to Categorical Uses of Force incidents since April 8, 2001. Special Order 39 formally establishing CIID and detailing its responsibilities was published on December 7, 2001.

Clarifications to the Categorical Use of Force review process have been requested by the Police Commission. A revised Special Order 39 addressing the Commission's concerns is anticipated to be presented to the Police Commission for consideration in February.

The Inspector General and the Police Commission continue to review all Categorical Uses of Force. Processes to ensure timely reporting of Categorical Use of Force investigations to the Police Commission are being reviewed pursuant to the deficiencies identified in functional compliance with paragraph 67.

The LAPD will audit Categorical Uses of Force investigation in the third quarter of FY 01-02 (January-March).

Enhanced Internal Affairs Group (IAG) Responsibilities

The Consent Decree requires that several categories of misconduct complaints be transitioned from the chain-of-command investigation to investigation by the Internal Affairs Group (IAG). This transition in investigative responsibility will require a substantial increase in IAG investigative staff. The City continues to make progress with filling the authorized IAG staff positions.

The first and second priority investigations identified in paragraph 95 were transitioned to IAG beginning October 1, 2001. Those investigations covered by paragraph 94, domestic violence (paragraph 93 (vi)), narcotics/drugs (paragraph 93 (vii)), sexual misconduct (paragraph 93 (viii)), and retaliation (paragraph 93 (x)), were transitioned to IAG on January 1, 2002. Department

entities assigned misconduct investigations in these categories prior to the transition date will retain investigative responsibility for those cases. The next transition of complaint investigations to IAG is currently scheduled for April 2002, and will include invidious discrimination complaints.

In the year 2001, 576 complaints were investigated by IAG, with 65% of the investigations completed within the 5-month goal. Therefore, complaint investigations conducted by IAG are currently in compliance with the requirements of paragraph 87. The City will monitor the transition of complaint investigations to IAG ensure continued compliance with the 5-month investigation goal established in paragraph 87.

Audits

LAPD auditing methodology continues to be improved and refined. Audit Division staff will be attending additional training in February 2002.

The Audit Division completed audits of non-categorical uses of force and arrest and booking reports in the second quarter of FY 01-02 (October-December). The audit results indicate that overall, officers and supervisors are in compliance with LAPD policies and procedures. Deficiencies identified in the audit and are being addressed by the LAPD.

Eleven integrity audits focusing on unlawful searches were conducted in 11 LAPD Areas. Thirty-one employees were reviewed, with a 100% passing rate.

Collection of Pedestrian and Traffic Stop Data

Pedestrian and motor vehicle stop data collection was initiated November 1, 2001, using paper forms. The volume of forms being collected is consistent with the volume anticipated by LAPD, based upon citation and field interview card volumes.

The paper form can be scanned for data entry purposes. A contract for scanning services was executed on November 19, 2001. Time was required to ensure the scanning program operated appropriately and that the data when transferred to the City's STOP system was accurate. Several system tests were completed. Scanning of pedestrian and traffic stop forms began January 11, 2002. The scanning contractor anticipates that it will be able to increase scanning to approximately 6,000 forms by the end of January. The City is collecting an average of approximately 2,600 forms a day. The City has established the following scanning priorities: 1) the currently collected forms; 2) the January backlog; and 3) the December and November backlog.

Some problems with the manner in which officers are filling out forms have been identified through the scanning process. The LAPD is preparing a training memorandum to address these issues. It is anticipated that the document will not be released until a larger volume of forms have been scanned to ensure a comprehensive training effort. A stop form correction error computer program is being planned and implemented which will be used by officers to correct inappropriately completed forms. The requirement to self-correct forms is anticipated to

facilitate the officer education process. It is currently anticipated that this program will be operational by the end of February.

A Request for Proposal (RFP) was released for automated collection of pedestrian and motor vehicle stop data on October 23, 2001. The RFP process was terminated in December, as a majority of the proposals received by the City did not comply with the City's standard contracting and RFP procedures. The RFP is being redrafted and is anticipated to be re-released in early February.

An RFP for data analyses is in the process of being drafted. This RFP has been delayed due to the need to resolve issues regarding form scanning and the automated data collection RFP.

Review of Procedures for Dealing with Potentially Mentally Ill Persons

Although not required by the Consent Decree, the City decided to engaged outside professional services to assist in the evaluation of other law enforcement programs and LAPD policies and procedures for dealing with persons who may be mentally ill required by paragraph 111. The Police Commission approved the selection of the Lodestar on November 13, 2001. The Contract was executed December 10, 2001, with work on the project initiated on December 11, 2001. The contract provides for work to be completed within time frames consistent with that established in paragraph 111.

The five law enforcement programs selected for review as part of the study are San Diego, California; Memphis, Tennessee; Seattle, Washington; New York, New York; and Portland, Oregon.