

LOS ANGELES POLICE COMMISSION

***REVIEW OF THE DEPARTMENT'S
CATEGORICAL USE OF FORCE
SYSTEMS AUDIT
Fiscal Year 2006/2007***



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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TABLE OF CONTENTS

REVIEW OF THE DEPARTMENT'S CATEGORICAL USE OF FORCE
SYSTEMS AUDIT
(FISCAL YEAR 2006/2007)

PAGE
No.

<u>PURPOSE</u>		1
<u>BACKGROUND ON AUDIT DIVISION'S AUDIT</u>		1
<u>FOCUS POINTS</u>		3
<u>REVIEW METHODOLOGY</u>		3
<u>REVIEW RESULTS</u>		3
	COMPLETENESS	3
	Consent Decree Mandates Addressed	3
	Identification of a Complete Population	4
	FINDINGS	4
	Support for Findings	4
	Presentation of Findings	4
	QUALITY	4
	Audit Quality	4
	Report Quality	5
	CONCLUSION	5

**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE DEPARTMENT'S
CATEGORICAL USE OF FORCE SYSTEMS AUDIT (FISCAL YEAR 2006/2007)**

PURPOSE

Pursuant to Consent Decree Paragraph 135, the Office of Inspector General (OIG) reviewed the Department's Categorical Use of Force (CUOF) Systems Audit (Audit) performed by Audit Division. The Audit was completed in the third quarter of Fiscal Year 2006/2007 and received by the OIG on April 2, 2007. The OIG assessed the Audit's completeness, findings and quality.

BACKGROUND ON AUDIT DIVISION'S AUDIT

Due to the large number of Consent Decree Paragraphs that must be evaluated involving CUOF, Audit Division, on an annual basis, conducts both a CUOF *Systems* Audit and a CUOF *Investigations* Audit. The CUOF *Systems* Audit evaluates events that occur pursuant to the CUOF *incident*, such as officer separation, notifications, and Behavior Science Services referrals. The CUOF *Investigations* Audit (scheduled to be completed by June 30, 2007) evaluates events that occur pursuant to the CUOF *investigation*, such as interviews, collection of evidence, and supervisory oversight.

The Consent Decree defines a CUOF as all incidents involving the use of deadly force (e.g., officer involved shootings [OISs]), all uses of upper body control holds, uses of force resulting in hospitalization or death, head strikes with an impact weapon, deaths while the arrestee or detainee is in custodial care of the Department, and canine bites resulting in hospitalization. At the Department's discretion, other incidents can also be investigated as a CUOF, especially when significant risk-management issues are present.¹

When a CUOF incident occurs, the involved officer must, without delay, notify his/her supervisor. The supervisor in the division of occurrence makes one telephone call to the Real Time Analysis and Critical Response Division (RACR), and RACR notifies the Inspector General (IG), the District Attorney (DA) (when warranted), Force Investigation Division (FID), and the Chief of Police (COP). Then personnel assigned to FID respond to the scene of CUOF incidents and begin their investigation of the incident.

Audit Division's CUOF Systems Audit assessed the Department's compliance with 15 Consent Decree Paragraphs. The Table, on the next page, summarizes the compliance percentages reported by Audit Division.²

¹ Department policy also identifies accidental discharges and animal shootings as CUOFs, but Audit Division did not evaluate these types of incidents in its Audit for various reasons.

² The Consent Decree Paragraphs evaluated by Audit Division had multiple mandates and, as such, Audit Division created subparagraphs for certain Paragraphs to assess the Department's compliance.

COMPLIANCE PERCENTAGES REPORTED BY AUDIT DIVISION

Consent Decree ¶	Description of Audit Objectives	Compliance 2005/2006	Compliance 2006/2007
51(a)	Mandatory Review of all Closed and Pending Complaints and TEAMS Information for FID Applicants	100% (32/32)	100% (21/21)
51(d)	Documentation of Review and Consideration of Specific Pending and Sustained Complaints for FID Applicants	100% (32/32)	100% (21/21)
55	1. Entity Responsible for Conducting CUOF Investigations	Compliant	Compliant
	2. FID Investigators Must be Supervisors	100% (47/47)	100% (46/46)
	3. No FID Line Supervision Over Geographic Bureaus	Compliant	Compliant
	4. FID Investigators Receive Training Regarding CD ¶80 on Interviewing Witnesses	72% (34/47)	100% (46/46)
56	1. FID Response to All CUOF incidents	100% (Not Reported)	100% (16/16)
	2. Immediate Notification to the Chief of Police (COP), FID, and the Office of Inspector General (OIG)	90% (10/11)	81% (13/16)
	3. Crime Scene and Investigation Command	100% (11/11)	100% (16/16)
58	District Attorney (DA) Command Post Notification	100% (11/11)	100% (7/7)
59	Cooperation with the DA Personnel at the Scene of a CUOF Incident	Compliant	Compliant
61	Separation of Officers	100% (27/27)	94% (30/32)
62(a)	Seven Day Review of Supervisory Response	82% (9/11)	88% (14/16)
62(b)	Supervisory Conduct Considered for Performance Evaluations	Not Reported	79% (19/24)
63	Psychological Evaluations of Officers Involved in Deadly Force	100% (20/20)	88% (28/32)
64	1. Consideration of Officer Work and CUOF History Prior to Taking Disciplinary Action(s)	100% (13/13)	83% (25/30)
	2. Consideration of Officer Work and CUOF History Prior to Taking Non-Disciplinary Action(s)	97.5% (39/40)	100% (87/87)
65	Duty to Report CUOF Incidents Without Delay	100% (11/11)	100% (16/16)
67	Submission to Police Commission 60 Days Prior to Statute	26% (5/19)	45% (9/20)
69	Use of Force Review Board Review	100% (22/22)	100% (13/13)
83	Training Evaluation and Management System (TEAMS II) Access	Compliant	Compliant
129(a)	Periodic Audits Conducted of All CUOF Investigations Satisfying CD ¶67 Requirements	Compliant	Compliant
147	1. Timely Notification to the OIG	100% (11/11)	100% (16/16)
	2. Process for OIG Notification of Policy Issues to the Police Commission	Compliant	Compliant

Greater detail on Audit Division's methodology and findings can be found in their CUOF Systems Audit report.

FOCUS POINTS

The OIG notes that the most significant concern in the current Audit performed by the Department relates to Consent Decree Paragraphs 61, 63, and 64 that were 100% compliant in the prior audit, and are now non-compliant. Consent Decree Paragraph 61, separation of officers, decreased to 94% due to one non-compliant incident; Consent Decree Paragraph 63, psychological evaluations of officers, decreased to 88% due to three non-compliant incidents; and Consent Decree Paragraph 64 (Objective 1), consideration of officer work and CUOF history prior to taking disciplinary action, decreased to 83% due to five officers' letters of transmittal being found non-compliant. There does not appear to be a pattern for the decreased compliance percentages. The OIG will continue to monitor these areas in the Department's next CUOF Systems Audit.

One noteworthy improvement was with Consent Decree Paragraph 55 (Objective 4), Force Investigation Division investigator training on Consent Decree Paragraph 80 (conducting interviews and investigatory standards). In the prior audit, Consent Decree Paragraph 55 was at 72% compliance, but increased to 100% in this Audit.

REVIEW METHODOLOGY

The OIG assessed the completeness, findings, and quality of Audit Division's CUOF Systems Audit by reviewing the Audit report, related audit plan, supporting work papers and source documents.³

On June 27, 2007, the OIG met with Audit Division management to discuss the results of this review. At that time, they indicated agreement with this review's findings.

REVIEW RESULTS

COMPLETENESS

To assess the Audit's completeness, the OIG reviewed Audit Division's report and supporting work papers to ensure Consent Decree mandates were addressed and that the Audit used complete populations.

Consent Decree Mandates Addressed

Per the Department's Annual Audit Plan (AAP) Status Report – Third Quarter FY 2006/2007, Audit Division's CUOF Systems Audit was to satisfy the audit requirements specified in Consent Decree Paragraph 129 regarding the conduct of regular, periodic audits, of random

³ For Consent Decree Paragraphs 64 (Objective 2), the OIG's sample was randomly selected based on a one-tail sample size calculation, with a 95% confidence level, an expected error rate of six percent, and a plus-precision of seven percent. For Consent Decree Paragraphs 51(a & d), 55, 56, 58, 59, 61, 62(a & b), 63, 64 (Objective 1), 65, 67, 69, 83, 129(a) and 147, the OIG reviewed Audit Division's entire samples and/or related work papers.

samples of all CUOF investigations, and the assessment of Consent Decree Paragraphs 51 (a & d), 55, 56, 58, 59, 61, 62 (a & b), 63, 64, 65, 67, 69, 83, 129(a) and 147 (see Table on page 2).

The OIG determined the Audit sufficiently met the audit requirements specified in Consent Decree Paragraph 129 and assessed the aforementioned Consent Decree Paragraphs.

Identification of a Complete Population

Audit Division used multiple populations to evaluate the Department's compliance with the above listed Consent Decree Paragraphs (see Table on page 2). Based on the OIG's review, these populations were complete based on the criteria set by Audit Division. Sampling was not used by Audit Division because of the small size of each population.

FINDINGS

To assess the Audit's findings, the OIG reviewed Audit Division's supporting work papers and source documents. Additionally, the OIG reviewed Audit Division's report to ensure the findings were properly presented.

Support for Findings

The OIG found that Audit Division's reported findings were well supported and that all applicable findings were reported.

Presentation of Findings

Audit Division presented the Audit's findings in a logical manner, organized by Consent Decree paragraph, and the narrative of the report supported all calculations.

QUALITY

The OIG evaluated Audit Division's Audit and the report for quality.

Audit Quality

Overall, the Audit was properly supervised and planned, in that the Audit's methodology allowed for proper assessments of applicable Consent Decree Paragraphs. However, the OIG noted one issue related to the Audit's methodology specifically, in assessing Consent Decree Paragraph 56 (FID response to all CUOF incidents). Audit Division in its findings reported that on average, FID personnel arrived at the scene 1 hour and 40 minutes after notification by RACR. Based on the OIG's assessment, the time was calculated erroneously, and FID personnel arrival at the scene should have been reported as an average of 58 minutes after FID received notification by RACR.

Report Quality

The report appropriately delineated the Audit's objectives, scope, methodology, and status of prior Audit recommendations. Also, the report was issued in a timely manner (within a year of Audit Division's last Audit), used a fair and unbiased tone, and was generally clear.

CONCLUSION

Overall, the Department's Audit was found to be complete, performed in a quality manner, and its findings were well supported.