



EXIGER
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**Application to Perform a Review of the
Madison Police Department's Policies
and Procedures**

Submitted to the City of Madison Mayor's Office

August 5, 2016

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I. EXECUTIVE SUMMARY

Exiger is pleased to submit this proposal to perform a review (the “Review”) of the Madison Police Department (“MPD”) for the City of Madison (the “City” or “Madison”). It is our sincere hope that we can play a significant role in assuring that best practices are being employed by MPD, and to the extent that they may not be, aiding in the identification and of those best practices.

As part of the Review, we will perform a comprehensive review of MPD’s policies, procedures, practices and training. This will include, but not be limited to: an evaluation of the MPD’s current practices using document review, individual and focus group interviews, and field observations; a comparison of MPD’s, practices, policies and procedures to present-day best practices; and the development of actionable recommendations, all of which will be included in a final report that will be submitted to the MPD.

Exiger has put together a team of subject matter experts and experienced consultants that are uniquely qualified for this engagement. The Exiger team will consist of one project lead, several team leaders, and a number of supporting team members. Jeff Schlanger, Managing Director and President of Exiger’s Advisory Group will serve as the Project Lead. Mr. Schlanger has more than 30 years of experience in law, law enforcement, and, perhaps most critically, police department monitoring and advisory work. He was instrumental in the design and execution of the monitoring methodology in Los Angeles, serving as the Deputy Primary Monitor for the Los Angeles Police Department (“LAPD”) consent decree, and has performed significant independent investigations at the request of police departments throughout the country including the Tennessee Highway Patrol, the San Francisco Police Department, and the Austin Police Department. Mr. Schlanger also recently served as the project lead of Exiger’s Comprehensive Review of the University of Cincinnati Police Department (“UCPD”), which included, among other things, an examination of the UCPD’s policies, procedures, data collection systems, training, hiring, recruitment, promotion, retention, and accountability mechanisms.

The team also includes several other highly respected former law enforcement professionals and policy experts who will serve as team leads on this engagement, including:

- Charles Ramsey, the former Philadelphia Police Commissioner and co-chair of President Obama’s Task Force on 21st Century Policing;
- Roberto A. Villaseñor, the former Tucson Police Chief and Commission member of the President’s Task Force on 21st Century Policing;
- Maggie Goodrich, LAPD Chief Information (Technology) Officer;
- Sandy Jo MacArthur, former LAPD Assistant Chief;
- John Thomas, Chief of the University of Southern California (USC) Department of Public Safety;

- Beth Corriea, the former Department Risk Manager for the LAPD;
- Denise Lewis, a former supervisor in LAPD's Internal Audit Division;
- Miriam Krinsky, a policy consultant, academician, and former federal prosecutor;
- John Linder, a co-creator of COMPSTAT, and police consultant in Cultural Diagnostics and re-engineering; and
- Elizabeth Carreño, Community Relations Manager of USC Department of Public Safety.

Each of our team leads has vast experience in policing and in consulting with other departments on best policing practices.

As detailed below, our plan will not only address every substantive requirement of the Scope of Work section of the Request for Proposal (the "RFP"), but it will also maximize community participation and understanding of the police and their methods. Because of the experience of our team in just this kind of assignment, we will hit the ground running. We will immediately establish working relationships, collaborate with MDP, the City, and other stakeholders, and execute on our plan that ensures that all aspects of the Scope of Work section are addressed.

3.3(1) PROPOSED PLAN OF WORK

Question 1) A) How We Will Accomplish the Tasks in 2.5.2

2.5.2.1: Review of Policies and Procedures

Exiger will perform a full assessment of MPD Standard Operating Procedures and Code of Conduct. First, immediately upon award, we will begin the process of gathering all of MPD's written policies and procedures. During the first week after award, in addition to gathering relevant documents, we will develop a detailed agenda for a site visit with the City and MPD calling for the Project Lead and select team members to visit the City and spend the better part of a week interacting with appropriate officials and familiarizing themselves with the MPD, the City, and all of the key stakeholders.

Informed by the initial site visit, Exiger will review all relevant MPD written directives, policies and procedures. Exiger team members have direct experience assessing policies and procedures manuals, developing recommendations for changes, and assisting in developing and implementing new policies and procedures in many large urban and municipal police departments.

During their Review through an examination of policies and procedures as well as through interviews, ride-alongs and other observations, Exiger team members will identify any gaps in formal MPD policies and procedures, as well as in informal policies, procedures and/or practices that do not comply with written policies and procedures. Team members

may need to collect additional information related to these needs.

The Exiger team will compare MPD's policies, procedures, and practices with best practices in policing. Sources for comparison will be drawn from police departments around the country as well as national law enforcement organizations such as the International Association of Chiefs of Police (IACP), PERF and President Obama's Task Force on 21st Century Policing. Exiger will discuss these gaps with MPD management and other stakeholders to discuss and understand any potential rationale for the gap.

Lastly, the Exiger team will, to the extent that gaps are identified, develop concrete and actionable recommendations for potential revisions of MPD's current policies and procedures, which will be included in the final report.

Chief Thomas will oversee this area of the Review with significant input from all team members. Chief Thomas has years of experience writing, reviewing, and implementing policies and procedures, both as chief of police at USC and during his years with the LAPD. As such, he has developed a deep understanding of what constitutes best practices in policing. Chief Thomas also recently served as a co-lead of the review of policies and procedures in Exiger's Review of the UCPD.

2.5.2.2: Review of Training

The Exiger team will conduct a comprehensive review of all MPD training curricula and training delivery processes for:

- Recruits, including pre-service training and field training
- MPD officers (in-service training and special unit training)
- MPD civilians

This review will include, but not be limited to: (1) content review of written lesson plans, (2) observation of training sessions, and (3) individual interviews and focus group interviews with instructors and students. The Exiger team will assess the quality of the delivery of instruction associated with all levels of training, including basic recruit, in-service, and specialized training. Special attention will be given to the training in high risk areas, including use of force, vehicle and traffic stops, implicit bias, and working with people from vulnerable communities such as those suffering from mental health conditions or alcohol/drug abuse. Moreover, curricula and training will be assessed to ensure that the training provided is properly preparing officers for work in racially diverse communities. Team members will also examine the command oversight and accountability for the training being developed and delivered.

The Exiger team will then compare and contrast MPD's current training with best practices training in the policing field and, if necessary, identify any gaps in training. The

Exiger team will utilize training best practices as culled from departments around the country as well as academic institutions, police organizations and the Presidential Task Force on 21st Century Policing Final Report to help guide actionable recommendations related to MPD's training. Exiger will then develop actionable training recommendations which will be included in the final report.

This effort will be led by Exiger team subject matter expert Sandy Jo MacArthur, who is a former Assistant Chief in the LAPD. In that role, she managed a billion-dollar budget and led challenging LAPD initiatives including State Diversity and Discrimination Training Programs, the Multi-Assault Counter Terrorism Action Capabilities (MACTAC) regional training program, and the redesign of the recruit training program. Ms. MacArthur recently served as the team lead of the review of training in Exiger's Review of the UCPD.

2.5.2.3: Review of Recruitment, Hiring, Promotion, and Retention

The Exiger team will review the MPD's recruitment, hiring, promotion, and retention practices. As data is available, the review will include a detailed analysis from the past five years of:

- MPD officer candidates
- Applications that were not accepted
- MPD recruitment materials and strategies
- Promotion decisions made by the MPD, including an examination of each officer who applied for these promotions

While conducting the review of MPD's hiring and promotional processes, the Exiger team will assess criteria used to make hiring and promotional decisions as well as review MPD's standard operating procedures, rules, and regulations governing these processes. We will evaluate MPD's ability to screen candidates who are the most qualified and suitable, instead of those who simply embrace the existing culture or cultivate their superiors. Data analysis for the last five years will be performed to assess how candidates move through the process.

Attracting, hiring, and promoting police officers who look like the community they police is an effective way to build trust between a police agency and the community. The Exiger team will perform an analysis of the current MPD practices of recruitment, hiring, promotion, and retention, and then compare the results with best practices for building and maintaining trust with the community it polices.

After performing a thorough analysis of the current practices of recruitment, hiring, promotion, and retention, Exiger will compare the results with best practices for creating and maintaining an effective police force. The team will then provide actionable recommendations which will be included in the final report.

This effort will be led by Project Lead Jeff Schlanger.

2.5.2.4: Review of Internal Culture

Exiger will perform a detailed assessment of the internal culture of the MPD. In doing so, we will conduct individual interviews as well as focus group interviews with MPD rank and file, both sworn and civilian, as well as relevant community members. We will also speak to key members of the Association of Madison Police Supervisors and Madison Professional Police Officers Association, and any other groups that impact the working culture of the MPD. It is anticipated that Exiger team members will observe and analyze informal policies, procedures and/or practices and determine whether they comply with written policies and procedures.

After performing a thorough analysis of the internal culture and any informal policies or practices, Exiger will compare the results with best practices for creating and maintaining an effective police force. The team will then provide actionable recommendations which will be included in the final report.

This effort will be led by John Linder, who has developed longstanding expertise in understanding the inner-workings of a police department's internal culture as a result of his years performing Cultural Diagnostics for various police departments, including most recently the NYPD.

2.5.2.5: Review of Field Practices

In evaluating the MPD and its practices, Exiger will to speak with both MPD officers and members of the community that they police. Throughout the engagement, team members will conduct ride-alongs, accompany officers on foot patrol, and conduct individual interviews as well as focus group interviews with MPD rank and file, community members, and other key stakeholders. We will also speak to key members of the Mayor's Office and any relevant community boards. Specific interviews will be identified and scheduled once the engagement begins and in full coordination with City administrators.

After performing these tasks, Exiger will compare the results with best practices, and provide actionable recommendations which will be included in the final report.

This effort will be led by Chief Villaseñor, who has developed longstanding expertise regarding the best field practices of a police departments as a result of his 35 years of as a member of the Tucson Police Department.

2.5.2.6: Review of Community Policing

Since the 1980's police departments across the U.S. have implemented successful

Community Policing strategies. Perhaps best defined by Police Commissioner William Bratton, Community Policing relies on three P's: Partnership, Problem Solving, and Prevention. The police in partnership with the community work together to solve crime and quality of life problems leading to reduced crime and disorder and successful crime prevention outcomes.

Exiger will analyze MPD's efforts toward both community policing and problem-oriented policing, including whether its culture, structure, and staffing support the goals of these concepts. The team will thoroughly review all of the MPD's practices associated with community engagement and community-oriented policing. We will also examine the extent to which the MPD utilizes problem-oriented policing. To do this, we will interview rank and file members of the MPD with a specific focus on officers who are involved in MPD's Community Affairs unit. We will also conduct interviews and focus groups with members of the Madison community. Lastly, we will compare MPD's practices to best practices, and then make actionable recommendations which we will include in the final report.

This effort will be led by Commissioner Ramsey, who has dedicated much of his professional career to fostering police-community relations.

2.5.2.7: Review of Accountability Mechanisms

The Exiger team will thoroughly review all of the MPD's internal and external accountability mechanisms including, but not limited to, supervisory oversight practices for monitoring performance, use of early warning systems, the disciplinary process, and the complaint process. The reviews of the accountability systems will be done by a content analysis of a randomly selected sample of disciplinary process documentation. The effort will be informed by field observations and individual and focus group interviews with MPD officers as well as community representatives.

Exiger team members will review the MPD's written procedures regarding the supervisor's role and will make a determination as to the adequacy of these procedures. The team will also rely on ride-alongs, foot patrol and other observation activities, and will conduct individual and focus group interviews with MPD rank and file to assess supervisory oversight. This may include reviewing current early warning systems and/or related police management databases designed to identify officers whose behavior is problematic.

The Exiger team will also assess MPD's disciplinary process for sworn and civilian personnel. Exiger will review written policies and procedures regarding disciplinary actions and will interview MPD rank and file and civilian representatives to determine how well processes are followed. The team will then make field observations to see how the process works in practice. Team members will also assess current disciplinary systems to determine whether they result in effective, efficient, and equitable disciplinary outcomes.

The Exiger team will review the citizen complaint process currently being used by the

MPD. Team members will interview community representatives and MPD officers involved in the process and on patrol. They will also conduct focus group interviews with citizens and MPD officers. The Exiger team will select complaints at random and will conduct an in-depth analysis of their outcomes. The Exiger team will welcome community and department input related to the state of and potential improvement to the complaint process.

In performing this part of the Review, Exiger will pay special attention to the internal review process of uses of force resulting in injury. In doing so, we will assess the independence of that review process and explore potential mechanisms that could increase its independence.

Once the review of the MPD's accountability mechanisms is complete, we will compare them with best practices and will then make actionable recommendations which we will include in the final report.

This effort will be led by Denise Lewis, who spent much of her 14-year career in the LAPD Internal Audit Unit, and was a key member of the federal court-appointed independent monitoring team of the Detroit Police Department.

2.5.2.8: Review of Data Collection and Data Usage

Exiger has found that over the years, data collection has become one of the country's leading social indicators and has provided for diverse and varied research and planning purposes for governments and law enforcement agencies.

The Exiger team will review MPD's current data collection, data usage, data records, automation, and communications systems. We will evaluate the types of data that MPD is collecting as well as the methods for collection and analysis. The team will also assess high-level process mapping to identify areas to increase efficiency and data outputs, including reports and analysis. Furthermore, an assessment of data quality controls, audits, and compliance with standard security requirements will be made. Part of this aspect of the review will include an assessment of the efficiency and reliability of MPD's dispatch and communication systems.

The team will also review how MPD is using, interpreting, and disseminating the data that it is collecting. After all, a data collection system will only be effective if it is capable of being used for its intended purpose. The Exiger team will make determinations as to whether MPD's current system for data storage and retrieval is adequate and being utilized efficiently and effectively by both staff and supervisors. Individual interviews, focus group interviews, and observation activities will be conducted to better understand how data is currently being collected, retrieved, and analyzed and how these processes contribute to MPD decision making.

Exiger will also determine the accuracy of the data collection systems, and evaluate

the training and abilities of those charged with interpreting data. This will be accomplished through on-site evaluations and interviews with members of MPD.

After reviewing all of this information, Exiger will provide actionable recommendations on how to improve aspects of MPD's data collection systems.

Beth Corriea will oversee this area of the Review. As Department Risk Manager for the LAPD, Beth Corriea has vast experience reviewing and evaluating the data collection systems for police departments. Furthermore, Ms. Corriea recently served as the team lead of the review of data collection systems, data usage, automation, and records management in Exiger's Review of the UCPD.

2.5.2.9: Review of Equipment and Technology

The Exiger team will review equipment and technology that is currently being used by the MPD to complete daily tasks and at special events and assignments. We will examine current MPD inventories and deployment of weapons, less-than-lethal weapons, radios, computers (desktop, car, and hand-held), officer safety equipment, vehicles, and bikes to determine whether the MPD's inventories and distribution of equipment and technology comports with best practice. In addition, the team will conduct a cross-check with the policies and procedures review conducted under section 2.5.2.1 of this proposal in order to determine whether MPD is using its equipment and technology in ways that are considered best practices and prescribed in its written procedures. The Exiger team will also review the findings of the training review under section 2.5.2.2 to determine if the training provided is appropriate for the use of existing equipment and technology.

As the use of available nonlethal weapons early in confrontations is likely to result in fewer and less severe injuries to both suspects and officers, the Exiger team will also assess the type and quality of MPD equipment and less lethal weapons available to handle potentially dangerous encounters. The team is well-versed and extremely knowledgeable about the types of non-lethal weapons currently being employed by law enforcement agencies across the country.

After Exiger's review and analysis of MPD equipment and technology inventories and use, the team will develop actionable recommendations related to equipment and technology. Recommendations will cover equipment and technology uses that support MPD crime reduction, crime prevention, and community engagement goals as well as prevent serious injuries to officers, suspects, and the community at large. Less lethal solutions will also be examined and reported on. These recommendations will be included in the final report.

Ms. Goodrich and Chief Villaseñor will serve as co-leads of this area of the review. Ms. Goodrich will focus on the technology aspect. She has considerable equipment and technology experience as the Chief Information Officer in the LAPD, where she oversees

the Justice Department's largest and most thorough body worn video camera study. Ms. Goodrich also has worked in a technology consulting capacity with the Seattle, Detroit, and New York City Police Departments. Ms. Goodrich also recently served as the team lead of the review of technology in Exiger's Review of the UCPD. Chief Villaseñor will focus on the equipment aspects. He has a great of experience analyzing the effectiveness of police equipment as a result of his 35 years of as a member of the Tucson Police Department, and as the team lead of the review of equipment in Exiger's Review of the UCPD.

2.5.2.10(1): Review of Community Engagement

The Exiger team will perform an assessment of MPD's efforts toward community engagement with representatives of minority communities including, but not limited to, African American, Asian, Latino, Native American, immigrant, refugee, LGBTQ, homeless, people with substance abuse issues, people with mental health issues, and those under correctional supervision. In doing so, we will thoroughly review MPD's policies, procedures, practices, training, accountability oversight, and data related to community engagement and community-oriented policing. We will then interview members of these communities to better understand how they view the MPD. Lastly, we will provide actionable recommendations on more effective ways to carry-out the MPD's mission to provide safety and security through a strong, collaborative partnership between the police and the community.

Ms. Carreño will oversee this area of the review. She is currently the Community Relations Manager of the USC Department of Public Safety, where she supervises student workers assigned to the Community Relations Office as well as overseeing media relations and media operations.

2.5.2.10(2): Review of Trust Based Policing Initiatives

As each member of the Exiger team knows well, it is crucial that a police force not only understands and appreciates the importance of diversity but is also able to respond to and work with a diverse community. That the MPD has implemented Trust Based Policing Initiatives and created both the Racial Disparity Workgroup and the Diversity Inclusion Team is indicative of its desire and willingness to recognize and include diversity initiatives as a critical component of effective policing practices.

Exiger will evaluate the effectiveness of these and other diversity-related initiatives that MPD has implemented. The team will then compare them to those employed at other similarly situated police departments as well as to best practices within the industry. Lastly, we will provide actionable recommendations and will include them in the final report.

Commissioner Ramsey will oversee this area of the Review, with assistance from Chief Villaseñor. During his 16 years as a police commissioner of two of the largest police departments in the nation (in Philadelphia and Washington, D.C.), Commissioner Ramsey

has developed expertise in both urban policing and community policing. As such, he understands the benefits of an effective diversity initiative.

2.5.2.10(3): Review of Programming for People with Mental Health and/or Substance Abuse Issues

Exiger firmly believes that understanding the types of mental illnesses that can affect people, and knowing how to engage with people suffering from these illnesses is crucial for any police force. This not only applies to people who are suffering from a mental illness but also to those who are suffering from alcohol and/or substance abuse issues.

Exiger will review MPD programming that serves people suffering from these issues and assess the adequacy of the resources currently dedicated to these initiatives. Exiger will spend extra time reviewing the MPD's policies and procedures regarding encounters with individuals who have mental health concerns and will conduct a historical analysis of how these policies have been used in practice. As part of this historical analysis, Exiger will interview members of the MPD as well as those who suffer from, or are advocates of those who suffer from, these issues. In addition, we will evaluate MPD's current system of working with officers who themselves have mental health issues or who are drug and alcohol dependent.

Once this review is complete, Exiger will compare MPD's policies to best practices and will then make recommendations as to the adequacy of these policies.

This effort will be led by Miriam Krinsky, who has extensive experience in community related issues having served in executive level positions on numerous boards, commissions, and committees dedicated to ethics compliance, regulation, and quality of life improvements.

Question 1) B) How We Will Incorporate the Criteria in 2.5.1?

2.5.1.1: Policing Best Practices

Team members will analyze the MPD's policies, procedures, and general practices and compare them to best practice policing standards. Sources for comparison will include urban and municipal police departments currently and formerly run by Exiger team members as well as national public safety and law enforcement organizations such as the International Association of Chiefs of Police (IACP). Additionally, the team will also compare and contrast the MPD's current policies and procedures to the Report of the President's Task Force on 21st Century Policing, the Use of Force Report, and where appropriate, adopt relevant recommendations from the Dane County Resolution 556 workgroup report. Each of our police chiefs will participate in this aspect of the Review.

Many of the previous tasks proposed by the Exiger team herein include a review of

past practices, assessment of current practices and comparison to best practices. The Exiger team will use information from all areas covered and will document them in the final report. Team members will ensure that this will incorporate a thorough review of MPD's written policies, procedures, and practices over the past five years. The Final Report on Current Status will also include a comprehensive review of current practices and research on best practices in municipal policing. Chief Thomas, Chief Ramsey, and Chief Villaseñor will also compare current MPD practices with those employed at similarly situated police agencies.

2.5.1.2: Use of Force

The Exiger team will review MPD's policies, procedures, practices, training, accountability oversight, and data related to use of force. Exiger will review the MPD's written policies that cover the circumstances under which officers are permitted to use force. They will interview MPD officers as well as members of the community to determine if current policies are properly followed. Team members will also closely examine past circumstances where force was used, including encounters or activities involving injuries to officers and/or citizens. Exiger will provide actionable recommendations which will both reduce improper uses of force and increase trust between the MPD and the community. Commissioner Ramsey will be a chief consultant in this area, having recently served as the team lead on the review of use of force during Exiger's Review of the UCPD. Ms. Corriea, having provided key oversight and direction to LAPD's high-risk use of force and early warning system as the first ever Department Risk Manager of the LAPD will also contribute to this area of focus.

2.5.1.3: Racial Equity

Exiger understands that the MPD, as currently constructed, is a predominantly white police force in a predominantly white community. However, this does not mean that cultural and racial awareness is not be as important as any other aspect of policing – in fact, empathy and cultural awareness can mean the difference between a non-violent resolution and a dangerous escalation in any police encounter.

The proposed Exiger team has a long history of engagement with diverse communities. Commissioner Ramsey, for example, dedicated much of his professional career to fostering police-community relations. Likewise, during his recent tenure as Chief of Staff of the Manhattan DA's Office, Mr. Schlanger was responsible for the Office's community relations mission and for an added focus on fairness within the criminal justice system. John Linder is currently leading the re-engineering efforts of NYPD to better community relations with police in New York while at the same time reducing crime.

Curricula and training from MPD will be assessed to ensure that the training provided is properly preparing officers to work with all members of their community. Additionally, the Exiger team will review and assess MPD's policies, procedures, and general practices to determine whether racial disparities exist in police contacts with the community,

diversion access, pedestrian and traffic stops, citations, and arrests, with a specific focus on whether there are disproportionate and biased contacts with minority youths. In identifying any implicit or explicit biases that do exist, Exiger will work with the MPD to systemically address and hopefully eliminate these biases both at a policy level as well as in their day-to-day engagement with members of the community.

2.5.1.4: Mental Health and/or Substance Abuse Issues

Mental health and substance abuse issues lie at the heart of many current issues in policing. Exiger will review the MPD's policies and procedures regarding encounters with individuals with mental health and substance abuse problems. Ms. Krinsky will lead this area of the Review. As such, she will provide assistance to other team members when these types of issues come up during the review of their substantive area. In reviewing the MPD's written policies and procedures, interviewing members of the MPD, and comparing those policies to best practices, the Exiger team will make corrective recommendations to improve the effectiveness of these policies.

2.5.1.5: Community-Oriented Policing

Exiger strongly believes that it is crucial for any law enforcement organization to build and maintain a strong, productive working relationship with the community that it serves. It is only through a strong, collaborative partnership between the police and the community that solutions and initiatives can be developed and implemented which will result in a community that not only is safe, but feels safe as well.

Our team members have shown throughout their careers in law enforcement that they recognize the importance of and are firmly dedicated to the principals of community policing. Commissioner Ramsey, for example, designed and implemented the Chicago Alternative Policing Strategy, the city's nationally acclaimed model of community policing. Years later, while with the MPDC, he developed *Policing for Prevention*, the department's community policing strategy. As previously noted, Mr. Schlanger dealt specifically with these issues while Chief of Staff at the Manhattan DA's Office. Most recently, while conducting the Review of the UCPD, the Exiger team focused a great deal of time and effort on rebuilding trust between the UCPD and the community, and several of our recommendations were made in furtherance of community-policing initiatives.

Throughout the Review of the MPD, the Exiger team will be guided by the principals of community policing and will be informed by members of the community and community organizations when making the recommendations in our final report.

2.5.1.6: Problem-Oriented Policing

Chief Villaseñor will work with other Exiger team members to review the MPD's practices related to problem solving, and problem-oriented policing and will determine to

what extent the MPD utilizes a problem-oriented policing model. Throughout the Review, the Exiger team will be informed by the principals of problem-oriented policing and will collaborate with stakeholders to provide the MPD with comprehensive and actionable recommendations in the final report.

2.5.1.7: Evidence-based Practices

We will determine the extent to which MPD utilizes evidence-based practices in its approach to improvement of the organization. The advantages of this approach to policing have been born out in the utilization of the approach by members of the team in their own departments. The advantage of the Exiger team is that it understands from a variety of different perspectives what has worked best in other organizations and will couple that knowledge with its knowledge of current research and analysis in departments throughout the country. This will lead to the recommendation of strategies that will not only increase legitimacy, but at the same time, reduce crime, reduce fear, and address community concerns.

2.5.1.8: Overly-aggressive Policing

Overly aggressive policing can take many forms, many of which can have disproportionate effects on minority communities. The determination of whether policing in Madison is overly-aggressive will be part of the review process. If overly-aggressive policing is found to exist, we will make recommendations that will address the implicated practices without impacting crime control and reduction. We know from the individual experiences of our experts that safety and fairness can indeed co-exist.

2.5.1.9: Rights of Civilian Witnesses

The Exiger teams knows that good relations with and appropriate treatment of civilian witnesses is a vital component of effective crime fighting. When witnesses do not trust police to treat them properly, sorely required cooperation in the community will wane. The Exiger team will assess the culture of the MPD through an analysis of their policies, procedures, practices, training, and accountability measures as well as through interviews with field and command officers to assess how the MPD conducts itself with interacting with civilian witnesses. Additionally, as with Section 2.5.1.8, Exiger will conduct focus groups with residents to determine how the MPD is perceived by civilian witnesses. The Exiger team will then review any gaps that may exist between how civilian witnesses should be treated and how they are treated in Madison. Based on the results of that analysis, the Exiger team will make actionable recommendations to close any gaps that might exist.

2.5.1.10: Homelessness

Exiger understands the unique problems that homelessness presents to a police department, while also appreciating that the root causes of homelessness are beyond the

ability of police to control. Members of the team have worked on the issue of homelessness in many jurisdictions and have devised strategies with an array of city and state agencies to coordinate a non-punitive and supporting approach to dealing with the problem. The Exiger team will bring its experience to this focus area and work with MPD to develop effective approaches to the problem.

2.5.1.11: Complaints against Officers

While the MPD seeks to conduct themselves in a professional and respectful manner, there will inevitably be instances when civilians file complaints against officers. When this happens, the MPD needs to ensure that complaints are investigated thoroughly, adjudicated fairly, and processed within a reasonable amount of time. This is as important for officers as it is for the public and can mean the difference between earning and retaining the public's trust and creating an atmosphere of distrust. Given the breadth of knowledge and expertise gained from decades of experience, the Exiger team deeply understands how important it is to maintain the public's trust in its police. As part of its review of the MPD's Accountability Mechanisms (see 2.5.2.7 above), the Exiger team will conduct a lookback review of a random selection of complaints filed in the last 5 years to determine whether they were investigated sufficiently and adjudicated without bias or prejudice. Based on the analysis, any necessary recommendations will be made in the final report.

2.5.1.12: Aftermath of Lethal Force

It is an unfortunate reality that there will be times when the use of lethal force is both legal and necessary. Every use of deadly force must be investigated fully, fairly, and as transparently as possible in order to enhance the relationship between community and police. In essence, the community must trust that all investigations are going to be full and fair, and that any transgression of rules, regulations, or criminal statutes will be dealt with appropriately.

We will review incidents of use of deadly force in order to ascertain whether best practices are being followed. To the extent that we find room for improvement, appropriate recommendations will be included in our final report.

2.5.1.13: Reducing Negative Outcomes

Exiger has assembled a world-class team of present and former law enforcement professionals at the top of their respective fields. The team leads have decades of experience and are keenly aware of the industry's best practices. The Exiger team is committed to working with sworn and non-sworn law enforcement personnel to develop techniques that will mitigate negative outcomes and strengthen police-community ties through best practice approaches. Specifically, Mr. Schlanger, having served as the Deputy Monitor in the consent decree of the LAPD and more recently during his time as Chief of Staff at the Manhattan District Attorney's Office and as project lead for the UCPD project, is well-versed in the

issues surrounding the improvement of police-community relations and promoting an overall culture of constitutional and bias-free policing. Commissioner Ramsey and Chief Villaseñor also have burnished reputations for their work on reducing negative outcomes. Ms. Krinsky, in her work as a policy consultant on youth violence prevention, juvenile justice and school climate issues for The California Endowment, is uniquely qualified to evaluate MPD policies on contact with adolescents. These are just a few examples of how Exiger team members can evaluate and recommend material improvements to the way in which the MPD interacts with its community while minimizing inherent risk to the residents as well as the officers.

2.5.1.14: Training

All members of the Exiger team have worked in culturally diverse settings, and many have decades of first-hand experience as sworn law enforcement officers. Knowing how important it is to be able to interact with all members of the community, regardless of race, gender, religious affiliation, or sexual orientation, Exiger team members are committed to helping MPD address training issues in order to bring about more effective and safe policing. Across all of the substantive areas of the review discussed in 2.5.2, team leads will interview MPD officers to understand what, if any, knowledge gaps exist regarding cultural awareness and sensitivity. Based on their assessment, they will then make recommendations for areas of improvement through modifications to training methodologies and changes to the MPD's policies, procedures, and general practices. Ms. MacArthur, with her wealth of experience leading LAPD training initiatives will serve as a consultant to other team leads when their area of the review touches on these issues.

2.5.1.15: Strengthening the Community's Capacity to Reduce Crime

The Exiger team has extensive experience in creating innovative programs to strengthen the community's capacity to reduce violence and serious crime. John Linder has been responsible for the re-engineering initiatives of NYPD under Commissioner Bratton. These initiatives deal directly with the strengthening of community involvement in crime fighting. Jeff Schlanger, in his capacity of Chief Staff in the Manhattan District Attorney's Office was intimately involved in a number of programs designed for just this purpose, including the Office's Saturday Night Lights program, as well as programs designed to combat unintended consequences of over-policing in some communities.

Chief Villaseñor is a nationally recognized police leader, progressive administrator, and community policing expert. Chief Villaseñor has developed and implemented best practices in community policing strategies with an emphasis on cultural and regional influences that effect successful police-community engagement. Chief Villaseñor and other Exiger team members will provide recommendations that will help the MPD guide its community towards alternative non-violent solutions through engagement and leadership.

2.5.1.16: Accountability

Accountability is at the core of Exiger’s mission. Accountability in the police context is multi-fold. It begins with adequate and appropriate supervisory oversight and extends through a complaint system that officers can feel provides due process and the public feels adequately addresses officer transgressions with training or progressive discipline. Police departments must all rely on data collected in the field, analysis of which gives rise to greater insight into and oversight of police officers behavior in their interactions with the public. Early warning systems are an important part of this aspect of accountability. Exiger team members have extensive direct experience with data collection efforts designed to build trust and increase transparency. Maggie Goodrich, for instance, led LAPD’s effort during its Consent Decree to implement the Department’s Early Warning System, widely regarded as a model for other departments. Jeff Schlanger oversaw the implementation of that system in Los Angeles, and each of the other subject matter experts on the team have worked extensively in areas of accountability in their respective departments. Exiger team members will assess the MPD’s accountability systems and will make actionable recommendations for using MPD data to build community trust and increase accountability to the Madison community. These recommendations will be included in the final report.

2.5.1.17: Procedural Justice

Fairness and transparency lie at the heart of procedural justice. Each of the subject matter experts on the Exiger team has worked to increase fairness and transparency in agencies with which they have worked. Jeff Schlanger and John Linder, for instance have worked together in New York on the “Safe and Fair” initiative that seeks to not only increase transparency, but is taking tangible steps to reduce fundamental unfairness in the system, all while continuing to bring crime to historically low levels. During this Review, Mr. Schlanger, Mr. Linder, and other team leaders will analyze the MPD’s policies and procedures and the cultural milieu in which they are operating to determine whether steps can be taken to further procedural justice in the system.

2.5.1.18: Avoiding an Increase in Violent Crime and Officer Safety

The Exiger team knows that fairness and safety are not inconsistent and indeed can be mutually enhancing. Many Exiger team members currently serve or have served as law enforcement officers, and truly understand how important it is that the policies, procedures, and practices of any police department allow their officers to go home safely every night. All members of the Exiger team are committed to helping the MPD develop policies and strategies that will reduce violent crime in Madison while keeping MPD officers safe. Having already helped develop these same strategies in major urban settings like Los Angeles, Washington DC, and New York, Exiger team members will bring this same successful insight to the MPD. Of particular note, John Linder has engineered changes in police methods that led to historic reductions in crime in many cities around the country including, New York, Baltimore, and New Orleans.

Question 1) C) How We Will Fulfill the Methodological Requirements in 2.5.3?

2.5.3.1(A) Analysis of Police Data

The proposed team-lead on the Data Collection and Data Usage review (see section 2.5.8) will be consultant Beth Corriea, who served as the Department Risk Manager for the LAPD and currently consults with the NYPD under Commissioner Bratton. Ms. Corriea is an expert in the area of police department early warning systems. She and her team will conduct a comprehensive review of all available police data by first analyzing the current data systems and records management capabilities. They will assess existing documentation and high-level process mapping to identify areas to increase efficiency and data outputs, including reports and analysis. Individual interviews, focus group interviews and observation activities will be conducted to better understand how data is currently being collected, retrieved and analyzed. In reviewing current data collection systems and methodologies, the Exiger team will examine their accuracy in order to ensure that the information gathered correctly informs MPD decision making.

Data that is collected, analyzed, and synthesized, however, is meaningless if not applied to the real world. As the final part of their Review, the consulting team will assess how MPD members currently rely on data analysis processes and record management systems and will make actionable recommendations for ways to improve use of MPD data to continue to ensure accountability.

2.5.3.1(B) Analysis of Officer Initiated Activities and Calls for Service

Members of the Exiger team have extensive experience in the utilization of both calls for service data as well as pedestrian and vehicular stop data for purposes of better utilization of resources as well as supervisory oversight. Exiger team members will scrutinize this data using a quantitative methodology to determine whether any patterns, trends, or outliers are present and will make recommendations accordingly.

2.5.3.1(C) Analysis of Training Records and Complaints and Discipline

The Exiger team will analyze training records as well as complaints and disciplinary records to determine to what extent such records are being utilized in the management of MPD and the resolution of complaints against officers.

2.5.3.1(D) Analysis of Data on Officer Involved Shootings

The Exiger team will thoroughly examine all data collected on incidents involving officer shootings. The review of this data will be undertaken to help determine what, if any, additional steps can be taken to increase full and fair investigations with the greatest amount

of transparency possible. We will also view the data as informative for our reviews of equipment and technology to determine what difference, if any, a wider array of equipment or better technology, might have made in either the incident itself or in the investigation of the incident.

2.5.3.1(E) Analysis of Disparities Based on Certain Factors

Exiger will review data to determine the extent to which disparities exist in the different aspects of MPD's contacts with citizens. This will include stops, searches, arrests, and department controlled discretionary practices. The team will then attempt to determine to what extent, if any, such disparities would be appropriately addressed through better training, better policies and procedures, better enforcement strategies, or better supervision.

2.5.3.1(F) Analysis of MPD Culture and Practices

Exiger fully understands the role that organizational culture can play in the way that the members of an organization behave. Changing culture of large organizations is difficult, but as has been proven in many scenarios in which Exiger team members have worked, far from impossible. The LAPD monitorship, which was led by Jeff Schlanger, showed that the culture of an organization as large as the LAPD could be changed. John Linder, who aided in the cultural reform of LAPD among numerous other departments, will serve as the lead consultant on this area of the review, across all of the substantive areas defined in Section 2.5.2 of the RFP. During his career, Mr. Linder designed a research, management, and communications process called Performance Engineering™ that uproots ingrained perceptions, secures committed behavioral change among large groups of people over long periods of time, and reinforces and reaffirms those behaviors with organizational systems fundamentally altered to reflect a strong leader's values and purposes. In this context, Linder's Cultural Diagnostics, reengineering programs, and plans of action have marshaled political and organizational understanding of what must be done — and why — to help such leaders build high-performance agencies. The team will assess the culture of MPD through a variety of different methods, will report on its findings, and will make any appropriate recommendations for methods by which any necessary cultural change can be effected.

2.5.3.1(G) Analysis of Data Relevant to the Evaluation of MPD Components Listed in Section 2.5.2, Given the Objectives Listed in Section 2.5.1.

The Exiger team will conduct a comprehensive review of all MPD policies and procedures, training curricula, recruitment, hiring, promotion, and retention practices, internal culture, data records and information systems, community engagement and other relevant initiatives using proven quantitative and qualitative methodologies. Our review and subsequent recommendations will be guided by the MPD's stated objectives to help the MPD reduce violent contacts between officers and members of the public, uncover and eliminate implicit and explicit biases, increase community engagement, continue to develop

trust and accountability with the Madison community, and generally adopt best policing practices that will position the MPD to be a leader in the law enforcement community.

2.5.3.2 Analysis of Data from Traditionally Marginalized Groups

John Linder, our team leader in this area, has been utilizing resident provided data to understand community perceptions and barriers for the last 30 years. Mr. Linder's expertise will be supplemented by members of the Exiger team who have decades of experience in working with community input toward the mutual goal of a fairer and more transparent system.

2.5.3.3 Systems Analysis and Statistical Models

Exiger consultants will utilize systems analysis and statistical models where appropriate to help determine contributing causal factors and facilitating design of more effective interventions.

Each of the experts on the Exiger team has utilized such tools in their respective departments with significant results. Indeed, the success of the LAPD monitoring assignment was largely reliant on statistical modeling being utilized to understand what the department was doing and ultimately in determining compliance and ensuring that the LAPD's internal audit unit was correctly assessing compliance levels. John Linder has for decades utilized these tools to provide performance engineering and operational accountability services to public-sector agencies. For example, while in New Orleans in the late 90's, Linder and his partner Jack Maple assisted Superintendent Richard Pennington in providing analysis of NOPD operations, staffing, and competitive compensation. Based on this analysis and executed by the men and women of the NOPD, the resulting "Pennington Plan" rapidly expanded the size of the department and succeeded in cutting the number of murders in half within three years.

These methodological approaches will allow the Exiger team to quantitatively synthesize information that will provide a better understanding of what root factors may be affecting outcomes of interest such as biases, operational effectiveness, officer screening and suitability, and sub-par management policies or general procedural practices, to name a few. Based on these analyses, Exiger will then make corrective recommendations in its final report.

2.5.3.4 Mixed Methodology Using Qualitative and Quantitative Approaches

No review of a police department can be done through quantitative analysis alone. The relative quality of actual work behind the numbers is hugely important when determining how a department is operating. The Exiger team has real world experience in

understanding how important a qualitative analysis can be. One simple example of how quantitative analysis alone may not tell the true story is in the area of training. While officers may attend a particular type of training, and be able to check the box for attendance, the curriculum for the course, and the way in which such training is delivered can be more important in determining the efficacy of the training and its ultimate effect on the behavior of officers. The Exiger team will, wherever possible, include a qualitative assessment of that being examined in addition to quantitative measures.

2.5.3.5 Use of Evidence-based Approaches.

Exiger will utilize evidence-based approaches in reaching conclusions and making recommendations. All of Exiger's team members will be utilized as resources, because they have all had hands-on practical experience implementing different approaches to policing, many of which have helped inform current best practice thinking. In addition, many of the team's members have participated in research and contribution to best practice development. For example, Chief Ramsey chaired President Obama's Task Force on 21st Century Policing on which Roberto Villaseñor served as well. The Exiger team is dedicated to bringing best practices to policing around the country and is intimately familiar with current topics in policing and the best practices that are emerging in the profession.

Question 1) D) Plan for Completing the Deliverables in 2.5.4

2.5.4.1 Report of the Current Status of MPD

Exiger will issue a formal detailed report of findings on the current status of the MPD, identifying areas of high performance by the Department, as well as areas that could be improved as benchmarked against other relevant departments and best practices.

In our report we will cover the following areas:

- Policies and Procedures;
- Training;
- Officer Recruitment, Hiring, Promotion, and Retention Processes;
- Internal Culture;
- Field Practices;
- Community-Oriented Policing and Problem-Oriented Policing;
- Accountability Mechanisms;
- Data Collection, Data Usage, Data Records, Automation, and Communication Systems;
- Equipment and Technology; and
- Special Initiatives;
 - Engagement with Marginalized Communities;
 - Trust Based Policing Initiatives, Racial Disparity Workgroups, and the

- Diversity Inclusion Team;
- Mental Health and Drug Abuse Programs

For each of these areas of review, Exiger will perform a series of tasks, some of which are specific to that area of focus. However, for each of the 10 substantive areas of the Review, Exiger will, at a minimum, perform the following tasks:

- Review the MPD's relevant policies and procedures;
- Compare the MPD's practices with best practices for similarly situated municipal police departments within the state of Wisconsin, as well as police departments nationwide, and where applicable, best practices for law enforcement internationally;
- Identify areas where the MPD excels; and
- Identify areas where the MPD needs improvements.

2.5.4.2 Final Report Including Actionable Recommendations.

Exiger will issue a Final Report in which we will make any and all appropriate actionable recommendations. Each of the listed potential types of recommendations will be considered. Our most recent departmental review covered each of the areas above. (Please see our final report on our UCPD assignment, included as Appendix G) Each member of the proposed Exiger team has decades of experience in law enforcement, public service, independent and police-specific monitorships, or policy initiatives that have equipped them to consider a vast array of solutions that do not solely rely on law enforcement tactics. We will consider the issues and problems of each substantive area of the Review and, based on our systems analysis and collection of empirical evidence, we will make all relevant and actionable recommendations.

2.5.4.3 & 4 Attendance at Meetings.

Exiger will attend and provide status updates to any and all stakeholders in the process at which our attendance is requested. In doing so, Exiger will be fully transparent in relating its observations and findings to date. In addition, Exiger team members and the project leader will be available for consultation at any time during the pendency of the assignment. We welcome interaction with all stakeholders and believe that productive discussions that will assist the MPD in adopting recommended changes.

Question 2) PROPOSED PROJECT SCHEDULE

Exiger has put together a tentative work schedule that we will adhere to if our proposal is accepted. We based our schedule on the contract start date of December 1, 2016 that is listed in the RFP, which also states that the final report should be completed and submitted within one year of the commencement of the contract. Therefore, in providing the tentative schedule that we have provided, we assume a one-year timeframe.

Immediately upon award we will begin internal and collaborative planning. We will immediately build an agenda for a site visit that we would expect to take place in week three of the project. We will, also, immediately, make document requests of relevant documents, the bulk of which we will hopefully receive in time for our site visit. It is anticipated that Mr. Schlanger and at least two other members of the team will visit the City of Madison during week three of the project, spending the majority of the week familiarizing themselves with the MPD, the Mayor's Office, and the City. They will meet with all of the key stakeholders, and will also personally pick up any written documents and materials that cannot be transmitted electronically. From December 11, 2016 through June 2, 2017, the team will be receiving and reviewing all of the requested documents and management information provided and will be requesting follow-up information and conducting interviews as required. Additionally, appropriate focus groups will be assembled and interviewed. Any surveys and statistical analysis will also take place during this timeframe. The team will, during this period have a regular team meeting where the team leads will provide status updates to the project lead and other team members. During this period, Exiger will also be prepared to send representatives to attend and provide status updates to meetings of the MPD Policy and Procedure Review Ad Hoc Committee, the Mayor, the City Council, and any other groups.

Based on our reading of the RPF, there are two reports that we will be expected to file with the City, the first of which is the Report on Current Status of the MPD. This report will be based on all input derived from the inception of the project up to the drafting of the report. July will then be spent finalizing this report, which will be submitted to the City on August 4, 2017. The team will then spend the month of August reviewing any feedback to this report received from the MPD, the City or any other key stakeholders, and deciding on appropriate recommendations. The team will then spend September and October continuing its review of relevant data, and conduct follow-up interviews with an eye towards making actionable recommendations. This process will then culminate in a Final Recommendations report, which the Exiger team will complete in November of 2017, and will submit to the City on November 30, 2017. Our proposed timeline is included in Appendix F. The key dates are listed below:

- December 1, 2016: Kickoff meeting.
- December 2, 2016 – December 10, 2016: Document Collection and Review and Agenda Planning for Site Visit.
- December 11, 2016 – December 14, 2016: Site Visit
- December 11, 2016 – June 2, 2017: Data Review, Interviews and Focus Groups, Surveys, and a bi-weekly team meeting.
- December 11, 2016 – November 30, 2017: Send Representatives to attend and provide status updates at MPD P&P Review Ad Hoc Committee meetings.
- December 11, 2016 – November 30, 2017: Make presentations to MPD P&P Review Ad Hoc Committee, the Mayor, the City Council and others as identified.

- December 11, 2016 - June, 2017: Collection of information for the Report on Current Status of the MPD.
- July, 2017: Finalize Report on Current Status of the MPD.
- August 4, 2017: Submit Final Report on Current Status of the MPD.
- August, 2017: Receive feedback from the City on the Report on Current Status.
- September – October, 2017: Continue Data Review and Interviews with Focus on Actionable Recommendations.
- November, 2017: Write Final Recommendations Report.
- November 30, 2017: Submit Final Recommendations Report.

Question 3) PROJECT MANAGEMENT METHODOLOGY

Exiger has found that in large-scale projects — which consist of a number of distinct, interrelated project teams — it is extremely helpful to establish a Project Management Office (“PMO”) to serve as a central coordinating body for all activities. A strong project management function supports effective project planning, organizing, motivating, communicating, and reporting.

The PMO will be responsible for integrating the activities of the individual project teams, applying consistent project standards, helping to ensure quality, and facilitating the main information flows. Critically, Exiger will utilize highly-experienced project management professionals, and a pre-existing PMO that is already in operation. In addition to the PMO, regular meetings of the team will be held in order to exchange ideas and observations and to ensure that each team is moving along the proper trajectory toward conclusion.

The Exiger PMO will guide the work for the MPD review as follows:

- *Planning* – The PMO will support the development of forward-planning, typically through facilitated sessions with Mr. Schlanger and the team members. The PMO will also track progress against these plans during the year and propose modifications as required.
- *Issue Management* – The PMO will support the identification, tracking, and reporting of issues throughout the Review term. The PMO will triage, prioritize, and route issues as needed, including escalation to the Project Lead when appropriate.
- *Operations* – The PMO will play a central role in operational functions such as scheduling and budget management. The PMO will also oversee the development and maintenance of tools to ensure report consistency and will oversee document security.
- *Project Team Support* – The PMO provides project management guidance to team-leads in areas such as work plan development, budgeting, resourcing, logistics, and

general coordination, as well as providing common processes, methodologies, tools, and templates.

Question 4) A) TEAM EXPERIENCE

The Exiger team includes top current and former law enforcement professionals, from accomplished police commissioners and chiefs to executive-level administrators and prosecutors. All team members have served with success and distinction in some of the most complex and high-profile oversight roles in the United States. Leveraging this rich base of knowledge and relevant experiences, the Exiger team would enter the Review with immediate and significant advantages. The team knows how best to allocate resources and staff for the most efficient and impactful administration and execution of a reviewer's duties. Moreover, the team will be able to anticipate the kinds of questions and concerns that the MPD will inevitably raise at the inception of and throughout the Review, not to mention areas in which the team would likely encounter pushback. In other words, our team is ideally situated to navigate this complicated undertaking, avoiding pitfalls that might hamper the effort if not for this significant experience and expertise.

1. Monitoring/Reform of Los Angeles, California, Police Department (2001-09)

The proposed Project Lead, Mr. Schlanger, served as the Deputy Primary Monitor on the court-appointed Independent Monitorship charged with overseeing the LAPD consent decree, one of the most ambitious plans ever for police reform in an American city. He was instrumental in the successful execution of the LAPD consent decree, which is widely credited with the LAPD's tremendous gains in controlling the use of force, improving police-community relations, and promoting an overall culture of constitutional and bias-free policing.

In the LAPD monitorship, over eight years, members of the proposed Exiger team audited the organizational change of the third largest municipal police force in the United States. Mr. Schlanger, and others on the team issued 30 quarterly reports documenting this massive undertaking, which tracked the LAPD's progress — and, at times, setbacks — in complying with the mandated reforms of the consent decree. In particular, Mr. Schlanger's role in designing the LAPD monitoring process and participation in the development of national monitoring standards would provide the Exiger team with an enormous head start for the Madison project. The final report of the Monitorship is included as a report sample in Appendix H.

2. Comprehensive Review of the UCPD (February, 2016 – June, 2016)

The Proposed Project Lead, Mr. Schlanger, served as the Project Lead on the comprehensive review of the UCPD, which was conducted in response to a fatal Officer Involved Shooting. Commissioner Ramsey, Chief Thomas, Chief Villaseñor, Ms. MacArthur, Ms. Goodrich, Ms. Corriea, and Ms. Carreño all served as Team Leads on this assignment.

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The scope of the work that was performed included:

- A thorough review of the UCPD's policies and procedures;
- A review of the UCPD's equipment and technology;
- A review of the UCPD's data collection systems, data usage, automation, and records management;
- A review of the UCPD's training, hiring, recruitment, promotion, retention, and accountability mechanisms;
- A comparison of the UCPD's current practices to the best practices in the industry; and
- The development of concrete, actionable recommendations for enhancing security and safety and rebuilding trust between the UCPD and the community.

On June 1, 2016, Exiger released a 136-page report that documented the steps that it took to carry out the review of the UCPD, and included 115 findings with 251 specific, and actionable recommendations. The final report on UCPD is included as a report sample in Appendix G.

3. University of Chicago Safety and Security Enhancement Project (2008)

In 2008, Chief Thomas along with nine other consultants conducted an assessment of the policies and practices of the University of Chicago Police Department. This work included:

- Reviewing the full range of police patrol and crime prevention activities;
- Analyzing use-of-force policies, including patrol protocols and methods;
- Assessing the University PD's incident and crime reporting systems and related computer technology;
- Assessing the University PD's relationship with the Chicago Police Department,
- Assessing management and supervision organizational structures; and
- Examining staffing and allocation in the context of planned expansion of the University.

The consulting team developed a Plan of Action with concrete recommendations for enhancing security and safety in and around the University of Chicago campus that took into consideration the complexities of policing both the campus and the larger neighborhood in addition to considering the sensitive nature of policing the culturally diverse campus of an elite university in the heart of an ethnically diverse community.

4. Reform of the New York City Police Department (2014-Present)

In New York in 1994-1996, John Linder, through a "cultural diagnostic" of the NYPD, developed seven crime-reductions strategies that helped redirect the nation's largest

police force in a way that allowed it to reduce crime 22 times faster than the rest of the nation in its second year. Mr. Linder's role was reprised with the return of Commissioner Bratton in 2014. For the last three years, Mr. Linder has led a second "cultural diagnostic" that has helped frame a plan that provides a strategy to achieve further crime reduction to levels once unimaginable and ever harder to make lower, along with a strategy to deal with long-term alienation of police from communities of color and with alienation of police from their own department. The plan has resulted not only in continuing lower levels of violence but also in fewer civilian complaints against police, and by most accounts, improving relations between the NYPD and the community.

Question 4) B) PAST REPORTS

We have provided the Final Report for Exiger's Review of the UCPD as Appendix G, and the Final Report for the Monitorship of the LAPD as Appendix H.

Question 5) INDIVIDUAL STAFF QUALIFICATIONS

Exiger has assembled a seasoned group of highly respected former law enforcement professionals and policy experts to work on the Review. In this section, we provide an introduction to the overall expertise of the team in relevant subject matter areas and the qualifications of each core member of the team, focusing on his or her relevant career experiences and areas of expertise. Please see Appendix E for complete biographies of each team member.

Jeff Schlanger – Project Lead

As Project Lead, Mr. Schlanger will be responsible for directly overseeing the individual work streams for the project. In addition to these oversight duties, Mr. Schlanger will supervise the day-to-day operations of the Review, and, as such, will directly interface with the MPD and other stakeholders on a regular basis. Mr. Schlanger has more than 30 years of experience in law, law enforcement, and, perhaps most critically, police department monitoring. Mr. Schlanger founded the Government Services practice at Kroll, and, as a subset of that practice, began, with William Bratton, consulting to major police departments around the world. Mr. Schlanger was instrumental in the design and execution of the monitoring methodology in Los Angeles, serving as the Deputy Primary Monitor for the LAPD consent decree, and has performed significant independent investigations at the request of large police departments throughout the country including the Tennessee Highway Patrol, the San Francisco Police Department, and the Austin Police Department. Significantly, Mr. Schlanger has served on the Executive Committee of the Working Group for National Guidelines for Monitors helping to develop the National Guidelines for Police Monitors. Before joining Exiger, he was Chief of Staff at the Manhattan District Attorney's Office, overseeing not only the day-to-day operations of New York's largest prosecutor's office, but also handling its "Extreme Collaboration" initiative with the NYPD. This included the funding through forfeiture monies of the mobility initiative for the NYPD.

Mr. Schlanger continues to serve as a pro-bono advisor to NYPD Commissioner William Bratton and those within the NYPD working on the “re-engineering” of the Department. Recently, Mr. Schlanger served as the Project Manager of Exiger’s Review of the UCPD.

Charles Ramsey – Team Lead: Review of Community Policing; Team Lead: Review of Trust Based Policing Initiatives

Commissioner Ramsey is the proposed team-lead for the review of MPD’s Community Policing, and the review of MPD’s Trust Based Policing Initiatives. In this role, he will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete these areas of the Review. A native of Chicago, Illinois, Commissioner Ramsey joined the Chicago Police Department in 1968, and served for 30 years, holding several prominent positions, including the Commander of the Narcotics Section, the Deputy Chief of the police force's Patrol Division, and eventually the Deputy Superintendent. While there, he designed and implemented the Chicago Alternative Policing Strategy, the city's nationally acclaimed model of community policing. From 1998 until 2006, Commissioner Ramsey served as the Chief of the MPDC in Washington DC, where he implemented programs that expanded community policing, including *Policing for Prevention*, the department’s community policing strategy, which encompassed focused law enforcement, neighborhood-based partnerships and problem solving. While there, he also improved and modernized MPDC’s recruiting, hiring, and training standards. His eight-year tenure as Chief of the MPDC saw crime rates decline approximately 40%. From 2008 through January of 2016, Commissioner Ramsey served as the Police Commissioner in Philadelphia, where he once again implemented a community-based approach to policing, and saw a marked decrease in city-wide homicides and violent crimes. Commissioner Ramsey served as the Co-Chair of President Obama’s Task Force on 21st Century Policing, and is a past President of the Police Executive Research Forum (PERF) and the Major Cities Chiefs Association (MCCA). Recently, Commissioner Ramsey served as the team-lead for the Review of Use of Force component of Exiger’s Review of the UCPD. He lectures widely on use of force policy and training, in which he stresses the importance of de-escalation.

John Thomas – Team Lead: Review of Policies and Procedures

Chief Thomas is the proposed team-lead for the review of MPD’s Policies and Procedures. In this role, he will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete this area of the Review. Chief Thomas is currently the Chief of the USC Office of Public Safety and is responsible for overseeing the management and control of over 280 officers responsible for the safety of members of the USC campus and surrounding community. Since his appointment and implementation of crime reduction and quality of life strategies in 2006, the campus community has experienced over a 70% decrease in overall violent crimes. Prior to his work at USC, Chief Thomas spent twenty-one years as a member of the LAPD where he retired at the rank of Lieutenant in December 2005. While with the LAPD, he worked undercover narcotic enforcement as a member of the Department's FALCON (Focused Attack Linking

Community Organizations and Neighborhoods) Unit for which he was awarded the City of Los Angeles' City Angel Award for outstanding community enhancement and the Department's Meritorious Unit Citation. Chief Thomas is also a member of the International Association of Campus Law Enforcement Administrators (IACLEA), the Police Executive Research Forum (PERF), the International Association of Chiefs of Police (IACP), and the National Organization of Black Law Enforcement Executives (NOBLE). Recently, Chief Thomas served as the team co-lead of the review of Policies and Procedures section in Exiger's Comprehensive Review of the UCPD.

Beth Corriea – Team Lead: Review of Data Collection and Data Usage

Ms. Corriea is the proposed team-lead for the review of MPD's Data Collection and Data Usage. In this role, she will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete this area of the Review. Ms. Corriea is an attorney and consultant to police departments in the area of risk management. From January 2012 to January 2014, she served as the Department Risk Manager for the LAPD, having been appointed to the newly created position by the Chief of Police, Charlie Beck. As the Department Risk Manager, Ms. Corriea was part of the senior staff and a direct report to the Chief of Police, providing oversight, direction, and management for the various aspects of the LAPD's liability concerns, which includes the high-risk issue of use of force, and interfacing with the LAPD's Early Warning System ("TEAMS II"). Before her appointment to the LAPD, Ms. Corriea worked for the Los Angeles City Attorney's Office as a Deputy City Attorney from July 2005 to December 2011. Ms. Corriea was assigned to the LAPD Employment Litigation Section and became its supervisor in February 2010. Recently, Ms. Corriea served as the team lead of the review of data collection systems, data usage, automation, and records management in Exiger's Comprehensive Review of the UCPD. Over the course of her career, Ms. Corriea has worked extensively in situations that call for data analysis and statistical sampling and fully grasps the role of data analysis in the context of determining compliance.

Sandy Jo MacArthur – Team Lead: Review of Training

Ms. MacArthur is the proposed team-lead for the review of MPD's Training. In this role, she will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete this area of the Review. Ms. MacArthur had a career in policing spanning over 35 years of service with the LAPD. Her early assignments included Patrol, Vice, Special Problems Unit, Training, Ombudsman, Press Relations, and Risk Management. After being promoted to Captain and assigned to the Civil Rights Integrity Division, she was responsible for overseeing implementation of all Consent Decree requirements and of all other department court settlement requirements. In this position, she played a significant role in achieving substantial compliance with the Federal Consent Decree implemented by the United States Department of Justice in 2001. In 2010, Ms. MacArthur was promoted to the rank of Assistant Chief, director of the Office of Administrative Services. She managed a billion-dollar budget and led challenging LAPD

initiatives including; State Diversity and Discrimination Training Programs, the Multi-Assault Counter Terrorism Action Capabilities (MACTAC) regional training program, and the redesign of the recruit training program by applying principles of adult learning theory and critical thinking skills. She also established the LAPD Leadership Enhancement and Development Sessions (LEADS) training program in 2006 that is conducted on a quarterly basis for LAPD Command Staff. Recently, Ms. MacArthur served as the team lead of the review of training in Exiger's Comprehensive Review of the UCPD.

Maggie Goodrich – Team Lead: Review of Technology

Ms. Goodrich is the proposed team-lead for the review of MPD's Technology. In this role, she will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete this area of the Review. Ms. Goodrich is currently the Chief Information Officer for the LAPD, where she manages a \$30 million annual technology budget, and is responsible for the management, oversight and implementation of all technology for all facets of the police department, including patrol, administration and special operations. She also manages the day-to-day operations of the IT Bureau, including directing staff who support a variety of IT functions. Prior to this, from 2006 through 2009, Ms. Goodrich served as Commanding Officer for the Management Systems Reengineering Project, and was responsible for the development and implementation of all LAPD Training Evaluation and Management Systems (TEAMS II), which include: the Complaint Management System; the Use of Force System; the Officer Early Intervention System; and the Data Warehouse. Recently, Ms. Goodrich served as the team lead of the review of technology in Exiger's Comprehensive Review of the UCPD. Over the course of her career, Ms. Goodrich has worked extensively in situations that call for data analysis and statistical sampling.

Roberto A Villaseñor – Team Lead: Review of Field Practices; Team Lead: Review of Equipment

Chief Villaseñor is the proposed team-lead for the review of MPD's Equipment, and the Review of the MPD's Field Practices. In this role, he will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete these areas of the Review. Chief Villaseñor recently retired as Chief of Police for the Tucson Police Department, where he was responsible for the leadership and management of over 1,400 employees, including over 1,000 sworn officers. Recognized nationally as an innovative leader and progressive administrator, Chief Villaseñor has consistently placed heavy emphasis on considering the existing best practices and the cultural and regional influences that might affect an organization. Chief Villaseñor spent the entirety of his 35-year career in law enforcement as a member of the Tucson Police Department. Chief Villaseñor served as Tucson's Assistant Chief of Police from March of 2000 until May of 2009, when he was appointed Chief. Because of his involvement in policing issues at a national level, in 2014 President Barack Obama appointed him to the President's Task Force on 21st Century Policing. In 2015, he was appointed to both the Department of Homeland Security

Committee on Ethics and Integrity for Customs and Border Patrol and the Arizona Criminal Justice Commission. Recently, Chief Villaseñor served as a team member and Equipment work stream lead in Exiger's Comprehensive Review of the UCPD.

Denise Lewis – Team Lead: Accountability Mechanisms

Denise Lewis is the proposed team-lead for the review of MPD's Accountability Mechanisms. In this role, she will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete this area of the Review. A former sworn member of the LAPD, Ms. Lewis retired at the rank of Sergeant II, having been assigned to the LAPD's Internal Audit Division. There, she supervised 10 to 15 sworn and civilian auditors in the completion of audits based on the LAPD's consent decree mandates, management objectives, policies and procedures, and applicable state and federal laws, ensuring compliance and identifying risk management issues. During her tenure with the LAPD, Ms. Lewis conducted audits, inspections, and operational studies related to officer and detective deployment, property management, and community policing. While with LAPD, Ms. Lewis held a number of other assignments, including criminal investigations, internal investigations, and patrol supervisor, in which she exercised command and control of tactical patrol situations. Ms. Lewis has expertise in areas such as training and lesson-plan development, emergency management, tactical leadership, and administrative investigations. Upon retiring from the LAPD, Ms. Lewis consulted in the area of compliance monitoring, police performance auditing, and the institutionalization of appropriate quality control measures to minimize risk exposure in law enforcement. To that end, for over six years, she was a member of the federal court-appointed independent monitoring team of the Detroit Police Department ("DPD") providing technical assistance to the DPD in the development of the required internal audit function. She then assessed DPD audits and regularly assessed DPD's compliance with other police reforms, as mandated by the court to include best practices and applicable standards for training, holding cell facilities, arrest and detention, and the use of force.

Miriam Krinsky – Team Lead: Review of Programming for People with Mental Health and/or Drug Issues

Miriam Krinsky is the proposed team-lead for the review of MPD's programming for People with Mental Health and/or Drug Issues. In this role, she will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete this area of the Review. Ms. Krinsky has spent time as a policy consultant, academician, and federal prosecutor. She has taught at the UCLA School of Public Policy and at Loyola Law School with a particular focus on youth at risk and juvenile justice issues, and is currently an Adjunct Professor at Southwestern Law School. She also acted as a policy consultant on youth violence prevention, juvenile justice and school climate issues for The California Endowment. During 2012, Ms. Krinsky served as the Executive Director of Los Angeles County's Citizens' Jail Commission on Jail Violence (the "CCJV"). In that capacity, she directed the year-long investigation and work of the Commission created to assess the

use of force and other concerns in LASD's Custody division and to recommend corrective action to address those concerns. Ms. Krinsky was one of two primary authors of the 200-page report issued by the CCJV with 63 recommendations for reform of LASD and its Custody division. During her work on CCJV, Ms. Krinsky supervised a team of policy experts and lawyers who interviewed and investigated leaders around the nation in regard to law enforcement and use of force best practices as well as preferred models of internal and external oversight and accountability. Ms. Krinsky previously served for 15 years as a federal prosecutor, both in Los Angeles and on an organized crime and narcotics task force in the Mid-Atlantic region. Ms. Krinsky has had extensive involvement over the years in community endeavors, including serving as President of the Los Angeles County Bar Association (the first lawyer from the public sector to hold that office), five years on the Los Angeles City Ethics Commission (she served as Commission President for three years), three years on the California Judicial Council (the leadership body for the state's judicial branch) and as a founding member of the American Bar Association's Youth at Risk Commission.

John Linder – Team Lead: Review of Internal Culture

John Linder is the proposed team-lead for the review of MPD's Internal Culture. In this role, he will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete this area of the Review. Since January 2014, Linder has been assisting NYPD Commissioner William J. Bratton in performing a Cultural Diagnostic, structuring his reengineering program, and recommending a strategic framework for addressing simultaneously the issues of crime reduction, the alienation from police of some segments of communities of color, and the sense of isolation of the police officers sworn to serve them. At the request of the Mayor's Office during this same period, Linder also directed a consultant analysis of the New York City Department of Correction. Prior to this, Linder and his former partner John Maple, were intimately involved in the creation of CompStat, an outcome management process that rapidly retrieves and analyzes crime data and drives accountability and authority for crime reduction to the lowest appropriate level of police organizations. Compstat has since been used by the police departments and/or mayors in New York, New Orleans, Newark, Boston, Baltimore, Atlanta, Cincinnati, and Los Angeles, as well as the Massachusetts State Police, the Louisiana Chemical Manufacturers Association, the New Orleans Public Schools, the University of New Orleans, among others. Mr. Linder is one of the country's leading experts in the use of cultural assessments and surveys of police departments and an expert in statistical modeling and systems analysis.

Elizabeth Carreño – Team Lead: Review of Community Engagement

Ms. Carreño is the proposed team-lead for the review of MPD's Community Engagement. In this role, she will be responsible for collecting documents, conducting interviews, and overseeing all other tasks necessary to complete this area of the Review. Ms. Carreño has been a member of the USC Department of Public Safety for the past five years, and currently as its Community Relations Manager, where she supervises student workers

assigned to the Community Relations Office, as well as overseeing media relations and media operations. Prior to this she served as a Community Relations Officer, where she was involved in both event planning and educating students and the USC community about the resources afforded to them through the University. Ms. Carreño received her Bachelors of Science Degree in Criminal Justice from California State University in California. She recently worked as a team member in Exiger's Comprehensive Review of the UCPD, and provided assistance to the team leads.

Question 6) Previous Work with Police Department's Similar to MPD

Exiger has recently completed its review of the UCPD. The final report of that assignment is included herein as Appendix G. In addition, the proposed Project Lead, Mr. Schlanger, has performed significant independent investigations at other moderately-sized urban police departments that are similar to the City of Madison. He has served as Project Executive and Coordinator in an investigation commissioned by then-Governor Phil Brednesen into systemic corruption involving hiring and promotion in the Tennessee Highway Patrol. He also performed two reviews of fatal officer-involved shootings for the Austin Police Department. Each of the policing experts who will be involved in this review has participated in on-going reviews of their own departments including Chicago, Washington, Philadelphia, Los Angeles, New York, and Tucson.

Question 7) Previous Analysis of Police Department Culture

As noted above, John Linder, has performed extensive studies of police department culture in a number of police departments, including the NYPD and the New Orleans Police Department. Additionally, in every review referred to herein, including most recently, the UCPD review, cultural assessment of the department has played an integral part of the review. In order to effectively assess a police department's culture, we have used various methods, including, but not limited to, document reviews, focus group interviews, individual interviews, surveys, statistical modeling, and systems analyses. As detailed throughout this proposal, Exiger will employ all of these methods in performing an analysis of the MPD's culture.

Question 8) Previous Use of Statistical Modeling and Systems Analysis

Mr. Schlanger, Commissioner Ramsey, Ms. Corriea, Ms. Goodrich, and Mr. Linder each have worked extensively in situations that call for statistical modeling and systems analysis. Each fully grasps the role of data analysis in the context of determining compliance. Indeed, in the LAPD monitoring assignment, statistical sampling was at the heart of determining compliance and ensuring that the internal audit units of that police department were correctly assessing compliance levels. In his sixteen years at both the MPDC and the PPD, Commissioner Ramsey often would perform extensive statistical analyses before deciding if, and how, to implement new policies. Most significantly, Mr. Linder is a co-creator of Compstat (short for COMPUter STATistics), which encourages police

departments to use data analysis as an aide in crime prevention. Over the course of the past 20 years, he has performed “Cultural Diagnostics” at several police departments, most notably the NYPD. When performing a Cultural Diagnostic, Mr. Linder frequently uses statistical modeling and systems analysis.

Question 9) Examples of Recommendations Involving Innovative Reforms

Exiger’s team members have been responsible for several innovative reforms in the areas of urban policing, and community policing. Most significantly, while working with the NYPD in 1994 through 1996, Mr. Linder's Cultural Diagnostic led to his writing seven crime-reduction strategies that helped redirect the nation's largest force away from focus on internal crime to reduce crime 22 times faster than the rest of the nation in its second year. Another Cultural Diagnostic in New Orleans led to new hiring and recruiting efforts that enabled a 54% cut in murder in three years. A second Cultural Diagnostic at the NYPD during the last three years helped frame a plan that deals simultaneously with an asymptote of crime reduction ever harder to make lower, with long-term alienation of police from communities of color and with alienation of police from their own department; this has resulted not only in continuing lower levels of violence but also in fewer civilian complaints against police. While at the MPDC, Commissioner Ramsey, developed *Policing for Prevention*, which was a police-community engagement initiative that employed problem solving and methodologies in addition to emphasizing partnerships among neighborhoods. As a result, during his eight-year tenure as Police Commissioner, D.C. saw crime rates decline by approximately 40%.

Question 10) Previous Experience Working with Certain Communities

Throughout the course of their professional careers as sworn law enforcement officers and dedicated public servants, the proposed Exiger team has a wealth of experience engaging with members of diverse, vulnerable, and traditionally marginalized communities. In fact, several members of the team have personally developed initiatives that focused on fostering police-community engagement. While at the MPDC and the PPD, Commissioner Ramsey consistently used police-community engagement initiatives that employed problem solving in order to reach traditionally marginalized subgroups. Chief among those initiatives was the previously mentioned *Policing for Prevention*. Mr. Schlanger, the Project Lead, will draw from his wealth of experience helping the NYPD foster better relationships between patrol officers and community residents. Furthermore, both the LAPD monitorship and the UCPD Review were conducted with the backdrop of racial tension between a predominantly African American community and a mostly white police force. In each case, Exiger team members spoke to leaders, listened to their needs and their concerns, and developed actionable recommendations on how to rebuild trust between the community and the department that polices them. Exiger members were able to develop and implement these kinds of initiatives because they understand the nuances and unique challenges of policing traditionally marginalized communities. Exiger team members are committed to bringing this knowledge to the MPD and to make recommendations that will better allow officers to

police fairly, impartially, and with compassion.

Question 11) Issues with Making Presentations

The Exiger team is prepared to make several presentations to members of the Mayor's Office, and any other agencies, and is confident in our ability to successfully field questions from those individuals, as well as members of the media, and the Madison community. Our team is composed of several individuals who have held high profile positions that required a great deal of public speaking, including periodically having to field questions from reporters on live television. For example, as police commissioner of two of the largest police forces in the country (Philadelphia, and D.C.), Commissioner Ramsey has had to make numerous speeches and statements to the media. Throughout Exiger's Review of the UCPD, Mr. Schlanger, along with Commissioner Ramsey, Chief Villaseñor, Chief Thomas, Ms. Corriea and others, gave several presentations to members of the Cincinnati community and the media regarding Exiger's findings and recommendations.

Appendix

A



Form A: Signature Affidavit

**RFP #: 8504-0-2016-BP Madison Police Department
Policy and Procedure Review**

This form must be returned with your response.

In signing Proposals, we certify that we have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise take any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit Proposals, that Proposals have been independently arrived at, without collusion with any other Proposers, competitor or potential competitor; that Proposals have not been knowingly disclosed prior to the opening of Proposals to any other Proposers or competitor; that the above statement is accurate under penalty of perjury.

The undersigned, submitting this Proposals, hereby agrees with all the terms, conditions, and specifications required by the City in this Request for Proposals, declares that the attached Proposals and pricing are in conformity therewith, and attests to the truthfulness of all submissions in response to this solicitation.

Proposers shall provide the information requested below. Include the legal name of the Proposers and signature of the person(s) legally authorized to bind the Proposers to a contract.

EXIGER LLC.

COMPANY NAME

[Signature]

SIGNATURE

7-27-16

DATE

JOFF SCHLAUGER.

PRINT NAME OF PERSON SIGNING

Appendix B



Form B: Receipt of Forms and Submittal Checklist

RFP #: 8504-0-2016-BP Madison Police Department
Policy and Procedure Review

This form must be returned with your response.

Proposers hereby acknowledge the receipt and/or submittal of the following forms:

Forms	Initial to Acknowledge SUBMITTAL	Initial to Acknowledge RECEIPT
Description of Services/Commodities	N/A	JS
Form A: Signature Affidavit	JS	JS
Form B: Receipt of Forms and Submittal Checklist	JS	JS
Form C: Vendor Profile	JS	JS
Form D: Fee Proposal	JS	JS
Form E: References	JS	JS
Appendix A: Standard Terms & Conditions	N/A	JS
Appendix B: Contract for Purchase of Services	N/A	JS
Addendum # 1	JS	JS
Addendum #		
Addendum #		
Addendum #		

EXIGER LLC
VENDOR NAME

EXIGER LLC.
COMPANY NAME

Appendix C



Form C: Vendor Profile

RFP #: 8504-0-2016-BP Madison Police Department
Policy and Procedure Review

This form must be returned with your response.

COMPANY INFORMATION

COMPANY NAME (Make sure to use your complete, legal company name.) Exiger- LLC			
FEIN 46-3274303		(If FEIN is not applicable, SSN collected upon award)	
CONTACT NAME (Able to answer questions about proposal.) Jeff Schlanger		TITLE Managing Director, president of Advisory	
TELEPHONE NUMBER 212-455-9428		FAX NUMBER 877-516-6410	
EMAIL jschlanger@exiger.com			
ADDRESS Exiger LLC, 600 3rd Ave, 10th Fl	CITY New York	STATE NY	ZIP 10016

AFFIRMATIVE ACTION CONTACT

The successful Contractor, who employs more than 15 employees and whose aggregate annual business with the City for the calendar year, in which the contract takes effect, is more than twenty-five thousand dollars (\$25,000), will be required to comply with the City of Madison Affirmative Action Ordinance, Section 39.02(9) within thirty (30) days of award of contract.

CONTACT NAME Jennifer Smith		TITLE Vice President, Global Head, Human Capital	
TELEPHONE NUMBER 212-455-9453		FAX NUMBER 877-516-6410	
EMAIL jsmith@exiger.com			
ADDRESS Exiger LLC, 600 Third Ave, 10th Fl	CITY New York	STATE NY	ZIP 10016

ORDERS/BILLING CONTACT

Address where City purchase orders/contracts are to be mailed and person the department contacts concerning orders and billing.

CONTACT NAME MICHAEL THIERBERG		TITLE Director of Finance	
TELEPHONE NUMBER 212-455-9426		FAX NUMBER 877-516-6410	
EMAIL mthierberg@exiger.com			
ADDRESS Exiger LLC 600 Third Ave, 10th Fl	CITY New York	STATE NY	ZIP 10016

LOCAL VENDOR STATUS

The City of Madison has adopted a local preference purchasing policy granting a scoring preference to local suppliers. Only suppliers registered as of the bid's due date will receive preference. Learn more and register at the City of Madison website.

CHECK ONLY ONE:

- ☐ Yes, we are a local vendor **and** have registered on the City of Madison website under the following category: www.cityofmadison.com/business/localPurchasing
- ☒ No, we are not a local vendor or have not registered.

Appendix D



Form E: References

RFP #: 8504-0-2016-BP Madison Police Department
Policy and Procedure Review

This form must be returned with your response.

REFERENCE #1 – CLIENT INFORMATION			
COMPANY NAME Los Angeles Police Department (LAPD)		CONTACT NAME Commissioner William Bratton	
ADDRESS One Police Plaza	CITY New York	STATE NY	ZIP 10038
TELEPHONE NUMBER 646-610-5577	FAX NUMBER N/A		
EMAIL bill.bratton@brattonmail.com			
CONTRACT PERIOD 2001 - 2008	YEAR COMPLETED 2008	TOTAL COST \$19,000,000	
DESCRIPTION OF THE PERFORMED WORK Monitoring/Reform of the Los Angeles, California, Police Department			

REFERENCE #2 – CLIENT INFORMATION			
COMPANY NAME University of Cincinnati		CONTACT NAME Robin S. Engel	
ADDRESS 640 University Pavilion	CITY Cincinnati	STATE OH	ZIP 45220
TELEPHONE NUMBER 513-556-5849	FAX NUMBER N/A		
EMAIL robin.engel@uc.edu			
CONTRACT PERIOD 2/2016 – 6/2016	YEAR COMPLETED 2016	TOTAL COST \$400,000	
DESCRIPTION OF THE PERFORMED WORK Comprehensive Review of the University of Cincinnati Police Department			

REFERENCE #3 – CLIENT INFORMATION			
COMPANY NAME New York City Police Department		CONTACT NAME Commissioner William Bratton	
ADDRESS One Police Plaza	CITY New York	STATE NY	ZIP 10038
TELEPHONE NUMBER 646-610-5577	FAX NUMBER N/A		
EMAIL bill.bratton@brattonmail.com			
CONTRACT PERIOD 2014 January 2014	YEAR COMPLETED Present	TOTAL COST	
DESCRIPTION OF THE PERFORMED WORK Cultural Diagnostic of the New York City Police Department			

Exigra LLC

COMPANY NAME



Form E: References

RFP #: 8504-0-2016-BP Madison Police Department
Policy and Procedure Review

REFERENCE #4 - CLIENT INFORMATION			
COMPANY NAME <i>University of Chicago Police Department</i>		CONTACT NAME <i>Sonyu Malunda</i>	
ADDRESS <i>5801 S. Ellis Ave.</i>		CITY <i>Chicago</i>	STATE <i>IL</i>
TELEPHONE NUMBER <i>773-702-4566</i>		ZIP <i>60637</i>	
FAX NUMBER <i>NA</i>			
EMAIL <i>smalunda@uchicago.edu</i>			
CONTRACT PERIOD <i>1/2008 - 9/12/2008</i>		YEAR COMPLETED <i>2008</i>	TOTAL COST <i>300,000</i>
DESCRIPTION OF THE PERFORMED WORK <i>University of Chicago Safety and Security Enhancement Project</i>			

Exigee LLC

COMPANY NAME

Appendix E



Jeff Schlanger

Jeff Schlanger is Managing Director and President, EXIGER Advisory, where he oversees the operations of EXIGER Advisory, EXIGER's specialized consulting division, which executes the firm's monitoring assignments and delivers sustainable governance, risk management and regulatory compliance consulting services to financial institutions and multinational corporations.

From February 2016 through June 2016, Mr. Schlanger served as the Project Lead for Exiger's Comprehensive Review of the University of Cincinnati Police Department, where he led a team of law enforcement experts in analyzing the UCPD's policies, procedures and practices, comparing them with best practices, and making actionable recommendations.

Mr. Schlanger joined EXIGER from the Manhattan District Attorney's Office, where he was Chief of Staff to District Attorney Cyrus R. Vance, Jr. While there, he oversaw the day-to-day operation of the Office and worked closely with the District Attorney, drawing on his deep experience in financial crime, money laundering, policing, and corruption, to advise on a broad range of criminal justice issues.

Prior to the DA's office, Mr. Schlanger was President and CEO of KeyPoint Government Solutions, a government consulting firm previously part of Kroll, then known as Kroll Government Services. While at KeyPoint, Jeff worked alongside EXIGER Executive Chairman Michael Cherkasky as the Deputy Monitor for HSBC. While at Kroll, Mr. Schlanger worked with Mr. Cherkasky and now-New York City Police Commissioner William J. Bratton as Deputy Primary Monitor of the Los Angeles Police Department. Mr. Schlanger has also served as Special Counsel to the New York State Commission on Public Integrity and has led independent investigations for various state and local police agencies and served, pro bono, as a Special Assistant District Attorney in Nassau County.

From 1978 to 1990, Mr. Schlanger served as an Assistant District Attorney in the Manhattan District Attorney's Rackets Bureau and Trial Division where he was responsible for some of the Office's most significant cases during that period, including the investigation and prosecution of the Westies gang and members and associates of the Gambino Organized Crime Family.

Mr. Schlanger received his Bachelor of Arts from Binghamton University, and his Juris Doctorate from the New York University School of Law.





Charles H Ramsey

Charles H. Ramsey was appointed Police Commissioner of the Philadelphia Police Department on January 7, 2008, by Mayor Michael A. Nutter. He leads the fourth largest police department in the nation with over 6,600 sworn members and 830 civilian members. Commissioner Ramsey brings over forty-six years of knowledge, experience and service in advancing the law enforcement profession in three different major city police departments, beginning with Chicago, then Washington, DC, and now Philadelphia.

Commissioner Ramsey has been at the forefront of developing innovative policing strategies and leading organizational change for the past 19 years. He is an internationally-recognized practitioner and educator in his field, and currently serves as the Immediate Past President of both the Police Executive Research Forum and the Major Cities Chiefs Association. He is the only law enforcement professional to have served as President of both prominent organizations at the same time. In December 2014, following several high profile incidents involving police use of force, President Barack Obama chose Commissioner Ramsey to serve as co-chair of the President's Task Force on 21st Century Policing. In recognition for his contributions to the field of policing and public safety, he has been awarded Honorary Doctorate Degrees from four universities.

During his seven years as Police Commissioner in Philadelphia, the Philadelphia Police Department has continued to make significant progress in driving down violent crime in the city. With a renewed focus on evidence-based policing initiatives, organizational accountability and a neighborhood-based policing strategy, Philadelphia has seen nearly a 20% reduction in violent crime and a 37% reduction in homicides. In 2014, Philadelphia experienced its lowest violent crime rate since 1985.

In 2007, Charles H. Ramsey was a security consultant to the Washington, D.C. Convention Center and the United States Senate Sergeant of Arms. During that year, he also served on the Independent Commission on Security Forces of Iraq, led by now National Security Advisor General James L. Jones. Ramsey headed a prominent group of law enforcement professionals to review the state of Iraqi police forces for a report to the United States Congress, an effort which garnered international attention and praise.

Commissioner Ramsey served as the chief of the Metropolitan Police Department, District of Columbia (MPDC) from April 21, 1998 to December 31, 2006. He was the longest-serving chief of the MPDC since DC Home Rule and the second longest serving in Department history. Under then Chief Ramsey's leadership, the Department regained its reputation as a national leader in urban policing. Crime rates declined by approximately 40 percent during Ramsey's tenure, community policing and traffic safety programs were expanded, and MPDC recruiting and hiring standards, training, equipment, facilities and fleet were all dramatically upgraded. He also oversaw and participated in numerous high profile investigations and events in Washington DC, such as: The 1998 murders of two United States Capitol Police officers inside the U.S. Capitol Building; The Y2K National Celebration in Washington, DC; The International Monetary Fund/World Bank Protests in April, 2000; The Chandra Levy Murder Investigation, The 9/11 Terrorist Attacks, The 2001 Anthrax Attacks; The 2002 DC Sniper Investigation; The funeral of President Ronald W. Reagan and the 2001 and 2005 Presidential Inaugurations.



A native of Chicago, Illinois, Commissioner Ramsey served in the Chicago Police Department for nearly three decades in a variety of assignments. He began his career in 1968, at the age of 18, as a Chicago Police cadet. He became a police officer in February 1971, and was promoted through the ranks, eventually serving as commander of patrol, detectives and narcotics units. In 1994, he was named Deputy Superintendent of the Bureau of Staff Services, where he managed the department's education and training, research and development, labor affairs, crime prevention and professional counseling functions.

Commissioner Ramsey was instrumental in designing and implementing the Chicago Alternative Policing Strategy, the city's nationally acclaimed model of community policing. As co-manager of the CAPS project in Chicago, Commissioner Ramsey was one of the principal authors of the police department's strategic vision. He also designed and implemented the CAPS operational model and helped to develop new training curricula and communications efforts to support implementation. During his career in Chicago, he received numerous awards including thirteen Department Commendations and more than 100 Honorable Mentions for police work.

As head of the 4,400-member Metropolitan Police Department, Commissioner Ramsey worked to improve police services, enhance public confidence in the police, and bring down the District of Columbia's crime rate. He also oversaw a multi-million dollar upgrade to district stations and other Department facilities, as well as new communications and information technology, including mobile data computing and the 3-1-1 non-emergency system.

In the area of community policing, Commissioner Ramsey redefined the Department's mission to focus on crime prevention. *Policing for Prevention*, the Department's community policing strategy, encompasses focused law enforcement, neighborhood-based partnerships and problem solving, and systemic prevention efforts. The strategy is supported not only by enhanced training for officers and supervisors, but also by a unique community training initiative called *Partnerships for Problem Solving* as well as a Senior Citizen Police Academy. The MPDC received international acclaim for its handling of major events, and the Department took a number of steps to address the continued threat of terrorism in the Nation's Capital.

The result of these and other initiatives was a dramatic reduction in crime in the District of Columbia under Commissioner Ramsey's tenure. Violent crime in DC was at its lowest level since the current method of reporting statistics was first developed in the late 1960s. At the same time, opinion surveys indicated that public confidence in the MPDC rose under Commissioner Ramsey's leadership.

In 1999, Commissioner Ramsey partnered with the Anti-Defamation League in developing an innovative and experiential training program at the United States Holocaust Memorial Museum called "*Law Enforcement and Society: Lessons from the Holocaust*." By examining the Holocaust, law enforcement personnel gain insights into the critical importance of their profession's core values, as well as the significant and unique role they play within our democracy. More than 100,000 people have gone through this program, including every new agent in the FBI, state and federal judges and police personnel from agencies nationally and internationally. In 2013, as President of the Major Cities Chiefs Association he partnered with the Teleos Leadership Institute to create the Police Executive Leadership Institute, a program specifically designed to develop the next generation of police leaders. In 2015, Commissioner Ramsey partnered with the National Constitution Center in Philadelphia developing an innovative training for police called "Policing in a More Perfect Union." This educational program is designed to help police officers better understand the history of policing in the United States and the importance of building legitimacy and trust in the communities they serve.

In July 2009 Commissioner Ramsey was appointed as a member of the Cambridge Review Committee, a national independent committee to help identify lessons learned from the arrest of Harvard Professor, Henry Louis Gates, Jr. He was asked in the fall of 2011, by Harvard's Kennedy School of Government, to serve on the new Executive Session on Policing and Public Safety, and exclusive group of renowned scholars and practitioners, who convened meetings over a three year period to set the public policy agenda for the policing profession for the next two decades. He is also a member of the Executive Committee for the International Association of Chiefs of Police. Commissioner Ramsey serves on the



National Homeland Security Advisory Council and is also an advisor to the FBI's National Executive Institute. He has served previously as the Chairman of the Homeland Security Subcommittee for both the International Association of Chiefs of Police and the Major Cities Chiefs Association

Commissioner Ramsey holds both Bachelor's and Master's degrees in criminal justice from Lewis University in Romeoville, Illinois. He is a graduate of the FBI National Academy and the National Executive Institute. He completed the Executive Leadership Program at the Naval Postgraduate School, Center for Homeland Defense and Security in February 2008.

Commissioner Ramsey has lectured nationally on community policing as an adjunct faculty member of both the Northwestern University Traffic Institute's School of Police Staff and Command and Lewis University, and is seen as an expert in the area of policing and homeland security.

From February 2016 through June 2016, Commissioner Ramsey served as the Team Lead of the Review of Use of Force for Exiger's Comprehensive Review of the University of Cincinnati Police Department, where he analyzed the UCPD's policies, procedures and practices related to Use of Force, compared them with best practices, and made actionable recommendations.

His honors include the following:

- Gary P. Hayes Award, from the Police Executive Research Forum, 1994
- Resolution Honoring Charles H. Ramsey, Presented by the Honorable Mayor Richard M. Daley, City of Chicago, April 29, 1998
- McDonald's Black History Maker Award, 2000
- The Webber Seavey Award for Quality in Law Enforcement, Presented by the International Association of Chiefs of Police, 2000
- United States Secret Service Honor Award, Presented by the Department of the Treasury for the International Monetary Fund-World Bank Spring Conference, 2000
- Award of Appreciation, Presented by Secretary of the Treasury Lawrence Summers for the International Monetary Fund-World Bank Spring Conference Meetings, 2000
- Robert Lamb Humanitarian Award, from the National Organization of Black Law Enforcement Executives (NOBLE), 2001
- Sigmund Livingston Award, from the Anti-Defamation League (ADL), 2001
- Award of Gratitude, from the Navy Family, Pentagon, 2001
- Civil Rights Award, from the International Association of Chiefs of Police (IACP), 2001 & 2005
- Parents Family and Friends of Lesbians & Gays (PFLAG) Award, 2002
- John Carroll Society Medal, from the Archdiocese of Washington, 2003
- Washington, DC, Pigskin Club Award for crime reduction, 2003
- Paul Harris Fellow Award, from the Rotary Club of Greater Washington, 2005
- Outstanding Service Award, Georgetown Business and Professional Association, 2005
- Civic Leadership Award, from the US Holocaust Memorial Museum (including the creation of an internship program in the Chief's name), 2005
- Graduate of the FBI's Leadership in Counterterrorism Program, 2006, part of the FBI's Leadership Development Institute; Co-sponsored by the FBI, the Scottish Police College, Police Service of Northern Ireland and the Royal Canadian Mounted Police
- Myrtle Wreath Award, from Greater Washington Area Chapter of Hadassah, 2006
- Jim Brady Law Enforcement Award from the Brady Center To Prevent Gun Violence, 2006
- Police Fund's Creation of the Charles H. Ramsey Scholarship, 2006
- Harvard University, John F. Kennedy School of Government, Innovations in American Government Award, 2006
- Golden Links Award, Presented by the Washington, DC Board of Trade, 2006



- Leadership in Policing Award, from the Police Executive Research Forum, 2007
- Honoring Charles H. Ramsey, United States Senate, Congressional Record, 110th Congress (Vol. 153, No. 21), February 5, 2007
- The Police Officer Jamie A. Roussey Annual Award, 2008, Presented by the Philadelphia Police Department, the Pennsylvania State Lodge of the Fraternal Order of Police, and the Baltimore Police Department
- John M. Penrith Leadership Award, from the FBI and Major Cities Chiefs National Executive Institute, 2008
- Presidential Award of Appreciation for Support during the 2009 Inauguration of the 44th President of the United States
- Pennsylvania Chapter, National Association of Blacks in Criminal Justice, Criminal Justice Award
- Polish Police Association of Philadelphia, Person of the Year Award, 2009
- Four Chaplains Memorial Foundation Legion of Honor Gold Medallion, 2009
- Emma Sloat Rendell Memorial Educational Award, Congregation Beth Solomon Community Center & European Immigrant Benevolent Association, 2009
- Bell of Hope Award, Mental Health Association of Southeastern Pennsylvania, 2009
- Person of the Year Award, Shomrim of Philadelphia and the Delaware Valley, 2009
- Keys and Sword Award, Archdiocese of Philadelphia, 2009
- Mothers-in-Charge Peace Award, 2009
- Pennsylvania Convention & Visitors' Bureau Annual Bring-it-Home Champion, 2009
- Thomas Jefferson Award, Citizen's Crime Commission, Philadelphia, 2010
- Inducted Honoree and Member of the Evidence-Based Policing Hall of Fame, George Mason University, August 2010
- 5th Annual CADEKids (Corporate Alliance for Drug Education) Community Service Award, Philadelphia, 2010
- PennJerDel Citizens of the Year Award, November 2010
- Mu Omega Chapter, Citizen of the Year Award, November 2010
- Michael Shanahan Award for Excellence in Public/Private Cooperation, International Association of Chiefs of Police, 2010
- Excellence in Law Enforcement Research Award, International Association of Chiefs of Police, 2010
- Man of the Year Award, Police Chiefs Association of Southeastern Pennsylvania, 2011
- President's Volunteer Service Award, President's Council on Service and Civic Participation, 2011
- Governor's Citation, State of Maryland, March 26, 2011, Presented by Governor Martin O'Malley
- Camden County Police Chiefs Association Award for Support of New Jersey Law Enforcement, April 2011,
- Saint Joseph's University, Graduate School Support Award, October 2011
- Saint Thomas Episcopal Church, Shepherds of Christ Award, December 2011
- Office of the United States Secretary of Defense, Patriotic Employer Award, 2011
- Atlantic County, New Jersey, Lifesaver Award, March 2012
- Anti-Defamation League Philadelphia, Leadership Award, March 2012
- Guardians of Freedom Award, Jewish Community Foundation Prescott, AZ. September 2013
- Hero of Justice Award, Pennsylvania Innocence Project, May 2014
- Peace Islands Institute, Law Enforcement Appreciation Award, May 2014
- Named one of the 75 Most Influential People by Philadelphia Magazine 2014
- Named Co-Chair of President's Task Force on 21st Century Community Policing, December 2014
- Ye Olde Philadelphia Civic Award, January 2015
- Philadelphia Maneto Award, Partners of Civic Pride, March 2015
- Rotary International of Philadelphia, Paul Harris Fellow Award, October 2015
- Major Cities Chiefs Leadership Award, October 2015
- Asian American Federation Leadership Award, November 2015
- Doctor of Laws, Honoris Causa, Neumann University



- Doctor of Laws, Honoris Causa, Gwynedd-Mercy College
- Doctor of Humanities, Honoris Causa, Lewis University
- Doctor of Humane Letters, Honoris Causa, Drexel University





John L. Thomas

John Thomas is a native of Los Angeles. Prior to his appointment to Captain at the University of Southern California (USC) Department of Public Safety (DPS) in October 2006, he spent twenty-one years as a member of the Los Angeles Police Department (LAPD) where he retired at the rank of Lieutenant in December 2005 to accept a position as Deputy Chief of Police for the University of the District of Columbia Department of Public Safety & Emergency Management in Washington D.C. He was promoted to USC Department of Public Safety's Assistant Chief in February 2009 and Executive Director/Chief in January 2013.

From February 2016 through June 2016, Chief Thomas served as the Team Lead of the Review of Policies and Procedures for Exiger's Comprehensive Review of the University of Cincinnati Police Department, where he analyzed the UCPD's policies and procedures, compared them with best practices, and made actionable recommendations.

As Chief, he is responsible for overseeing the management and control of over 280 officers responsible for the safety of members of the USC campus and surrounding community. Since his appointment and implementation of crime reduction and quality of life strategies in 2006, the campus community has experienced over a 70% decrease in both robberies and overall violent crimes.

A product of South Los Angeles, he graduated from Crenshaw High School before attending UCLA. While at UCLA he was appointed Editor-in-Chief of *Nommo*, the student newsmagazine for the African American student body and community. He holds a BA in Political Science/Liberal Arts and a degree in Biblical Studies from the Cottonwood Leadership College (formerly Cottonwood School of Ministry). He is currently a graduate student in the USC Price School of Public Policy, Masters in Executive Leadership Program.

He holds California State Police Officer Standards in Training (POST) Certificates for the Basic, Advanced, Supervisory and Management levels. He is a graduate of the West Point Leadership Program, the Los Angeles Police Department Command Development Program and the 218th Session of the FBI National Academy.

As a member of the Los Angeles Police Department, Chief Thomas worked patrol assignments in Wilshire, 77th Street, Southwest, Newton Street and Pacific Divisions. He was also assigned to the Department's Gang Enforcement Detail in South Los Angeles, Operation South Bureau CRASH and worked undercover narcotic enforcement as a member of the Department's FALCON (Focused Attack Linking Community Organizations and Neighborhoods) Unit. While assigned to FALCON he was awarded the City of Los Angeles' City Angel Award for outstanding community enhancement and the Department's Meritorious Unit Citation.

He has also held administrative positions in LAPD's Employee Relations, Office of Operations and Planning and Research Division. He also has had the distinct and unprecedented honor of serving as an Adjutant, Aide or Executive Officer to four LAPD's Chiefs of Police (Interim Chiefs Bayan Lewis and Martin Pomeroy, former Chiefs Bernard Parks and William Bratton).



A published freelance writer, Chief Thomas has written or been featured in several local and national news and magazine publications. He is recognized as one of the foremost authorities on the history of the Los Angeles Police Department specifically the early history of African American service on the Department. He has written several articles chronicling the careers and struggles of early African American LAPD officers. In 1997 he wrote and published his first feature article, *"Defender of the Angels-Detective-Lieutenant Jesse Kimbrough 1916-1939"*. The article chronicled the career of one of the Department's early black Detectives. In 1998 he researched and published *"Patrolman Charles P. Williams-Forgotten Hero"*. The article garnered local and national media attention when it was discovered that a black LAPD officer had been killed in the line of duty (1923) and forgotten in history. In 2001 he researched and wrote *"Blacks in Blue"*, a highly successful calendar published by Blue Line Press featuring photographs and stories about the history of Blacks serving during the early years of the LAPD.

In 2001, Thomas collaborated with members of the Los Angeles Art community to organize a photo exhibit of images from the LAPD archives. The exhibit was titled *"To Protect and to Serve--100 years of photos from the LAPD Archives"*. The exhibit was a huge success and has since been on display at museums across the United States and Europe. The exhibit was also turned into a Los Angeles Times Best Sellers List coffee table photo book, *"Scene of the Crime--Photographs from the LAPD Archive"* published September 2004 by Abrams Publishing Inc.

Chief Thomas assisted in the research of the book and is credited as the project Historian. He also is featured in and assisted in the research and writing of the book *"Images of America-The Los Angeles Police Department"* (Arcadia Publishing Co. October 2005). Chief Thomas has been on the Board of Directors for the Los Angeles Police Historical Society since 1999. He is also on the Board of Directors for the Challengers Boys & Girls Club in South Los Angeles, the Police Officers' Association of Los Angeles County (POALAC) and the LAPD's Association of Black Law Enforcement Executives (ABLE).

He is also a member of the International Association of Campus Law Enforcement Administrators (IACLEA), the Police Executive Research Forum (PERF), the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), the Oscar Joel Bryant Foundation and the FBI National Academy Associates.

Despite being a retired Los Angeles Police Lieutenant, he continues to "Protect and Serve" the people of Los Angeles as an LAPD Line Reserve Officer working patrol and other assignments throughout the city.





Roberto A. Villaseñor

A senior level executive with 35 years of professional experience in a large metropolitan police force with over 15 of those years at the Chief level. Recognized nationally as an innovative leader and progressive administrator who takes into consideration existing best practices and the cultural and regional influences that effect an organization. Motivational individual who is able to communicate organizational goals and help transition that communication into operational actions. Able to coalesce diverse viewpoints and personal objectives into a team approach that is geared towards providing superior service and performance. Because of experience and involvement in policing issues at a national level, was appointed by President Barack Obama in 2014 to the President's Task Force on 21st Century Policing. Also appointed in 2015 to the Department of Homeland Security Committee on Ethics and Integrity for Customs and Border Patrol and the Arizona Criminal Justice Commission.

Qualifications include:

- Managerial and oversight experience
- Budget preparation and presentation
- Program and policy formulation
- Resource management skills
- Grant acquisition and management
- Public speaking and presentation skills
- Technological implementation
- Internal audit and oversight
- Operational and strategic planning
- Patrol and tactical experience

From February 2016 through June 2016, he served as the Team Lead of the Review of Equipment for Exiger's Comprehensive Review of the University of Cincinnati Police Department, where he analyzed the UCPD's policies, procedures and practices related to Equipment, compared them with best practices, and made actionable recommendations.

PROFESSIONAL EXPERIENCE

Chief of Police, Tucson Police Department, May 2009 – Present

Responsible for the leadership and management of a major city metropolitan police department consisting of 1,400 employees (1,002 sworn officers). Responsible for all aspects of department administration including budget, human resources, logistics, policy, and training. Controlled operational services to include patrol, investigations, evidence, forensics and specialized tactical support. Provided oversight and administration of a \$167,000,000 budget, which included approximately \$11,000,000 in grant funds. Developed and implemented policy and procedural guidelines and provided audit and oversight for performance and service.

Assistant Chief of Police, Tucson Police Department, March 2000 – May 2009

Assisted the Chief of Police in the management of the department, and during the course of this assignment was directly responsible at some point for each of the four department bureaus – Patrol, Investigations, Support, and Administrative.



Also served as the department's Labor Liaison and worked with three separate unions dealing with labor and personnel issues, to include contract negotiation and disciplinary grievance issues.

Police Captain, Tucson Police Department, September 1996 – March 2000

Responsible for the command and administration of a division within the police department. Communicated and ensured proper adherence to department policy and provided direct service to the community for the areas of responsibility that were commanded. Facilitated the needs of line level personnel and assisted in the elementary formulation of policy. Was responsible for the following divisions: West Patrol Division, Field Support Division, Information Services Division, and the Metro Area Narcotics Trafficking Interdiction Squad (MANTIS) Division.

Police Lieutenant, Tucson Police Department, August 1993 - September 1996

Responsible for the command of a section, or assigned as an Assistant Division Commander. This middle management position provided command oversight of first line supervisors and line level personnel. Command assignments at this level included Midtown Patrol, Internal Affairs, and Geo-Based Community Policing. Also served as the Hostage Negotiations Commander and the relief SWAT Commander.

Police Officer and Police Sergeant, Tucson Police Department, October 1980 - August 1993

Provided direct line level and supervisory police services to the community. Became familiar with all aspects of law enforcement service delivery and investigative requirements. Served in the following capacities during this time period: Patrol Officer, Staff Officer, Surveillance Officer, Patrol Sergeant, Department Public Information Officer (PIO), Communications Sergeant, Community Response Team (CRT) Sergeant, and Bike Sergeant.

EDUCATION AND AFFILIATIONS

Bachelor of Science w/Honors in Management and Human Resources, Park University, MO

Masters of Education w/Honors in Counseling & Human Relations, Northern Arizona University

PERF Senior Management Institute for Police

FBI National Academy Session 229

FBI National Executives Institute Session XXXIII

Major Cities Chiefs Association – Technology Committee Chairman

International Association of Chiefs of Police

Arizona Association of Chiefs of Police - Current President

Arizona High Intensity Drug Trafficking Area Executive Committee – Current Chairman

Police Executive Research Forum – Executive Board – Current Treasurer

FBI Law Enforcement Executive Development Association

President's Task Force on 21st Century Policing – Member

DHS Customs and Border Patrol Ethics and Integrity Advisory Panel – Member

Arizona Criminal Justice Commission – Member, Appointed by Governor Ducey in 2015

Southern Arizona Law Enforcement Managers (SALEM)

Harvard University's 2015 Inaugural Public Safety Summit





Sandy Jo MacArthur

Sandy Jo MacArthur is a veteran of the Los Angeles County Police department. With a career spanning over 35 years of service, Sandy Jo has extensive experience with knowledge of police operations, administration, and command development. During her time on the force, Sandy Jo was involved in complex assignments that involved human relations, discrimination, conflict resolution, tactics, training delivery and use of force.

From February 2016 through June 2016, Sandy Jo served as the Team Lead of the Review of Training for Exiger's Comprehensive Review of the University of Cincinnati Police Department, where she analyzed the UCPD's policies, procedures and practices related to Training, compared them with best practices, and made actionable recommendations.

Sandy Jo retired from the LAPD in March of 2015 at the rank of Assistant Chief. Sandy Jo was promoted to Assistant Chief, Director of the Office of Administrative Services in 2010. There she managed a billion dollar budget and led challenging LAPD initiatives including; State Diversity and Discrimination Training Programs, the Multi-Assault Counter Terrorism Action Capabilities (MACTAC) regional training program, and the redesign of the recruit training program by applying principles of adult learning theory and critical thinking skills. Sandy Jo also established the LAPD Leadership Enhancement And Development Sessions (LEADS) training program in 2006 that is conducted on a quarterly basis for LAPD Command Staff. She created an ongoing pipeline for new recruits by partnering with the Los Angeles Unified School District to create a two year high school program where junior and seniors spend four semesters at the LAPD Academy, learning about law enforcement careers and earning high school and college credits.

Sandy Jo's early career included various details within the LAPD including; Patrol, Vice, Special Problems Unit, Training, Ombuds, Press Relations, and Risk Management. After being promoted to Captain, Sandy Jo was assigned to the Civil Rights Integrity Division where she was responsible for overseeing the implementation of all Consent Decree requirements, and of all other department court settlement requirements. In this position, she played a significant role in achieving substantial compliance with the Federal Consent Decree implemented by the United States Department of Justice in 2001. As a result of collaboration with key internal and external partners, the Consent Decree was lifted in July 2009.

Sandy Jo joined the Los Angeles Police Department in 1980 after receiving a Bachelor of Science degree in Criminal Justice from Arizona State University, graduating Cum Laude. In 1997, she obtained a Master in Behavioral Science, graduating with honors and specializing in Negotiations and Conflict Management, from California State University, Dominguez Hills. She was an associate professor for six years at California State University, Dominguez Hills.

Consulting

1997 - Present



Seminars to law enforcement, community groups, professional organizations and schools, including

- Domestic violence
- Sexual harassment and discrimination prevention
- Conflict management
- Leadership
- Use of force in police incidents
- Diversity
- Law enforcement interactions with persons with mental illness
- Law enforcement use of force
- Consent decree compliance
- Workplace assessments
- Discrimination and retaliation
- Employee conflict
- Diversity
- Training needs
- Consulting
- Police community relations
- Training and curriculum development
- Police tactics
- Police use of force
- Interacting with persons with mental illness
- Conflict management

1996-2001 California State University Dominguez Hills

- Associate professor in the Behavioral Science Masters Degree Program

Training

General Preparation

- 2009 Major City Chiefs Intelligence Symposium
- 2009 National Incident Command Course
- 2007 Southern California Regional Counter-Terrorism Conference
- 2007 National Incident Management Systems Course
- 2006 Southern California Regional Counter-Terrorism Conference
- 2006 IACP Conference
- 2005 LAPD Command Development
- 2005 IACP Conference
- 2004 IACP Conference
- 2004 PERF Conference on National Use of Force Issues
- 2004 Administrative Internal Discipline Seminar
- 2002 California Police Officer Standards in Training Management Course
- 2001 LAPD Watch Commander School
- 1999 West Point Leadership Program
- 1998 National Center For Women In Policing Conference
- 1998 National Association of Women Law Enforcement Executives Conference
- 1995 Sherman Block Supervisory Leadership Institute
- 1992 LAPD Total Quality Leadership
- 1992 Toyota Total Quality Leadership Team Leader



- 1991 LAPD Process Improvement
- 1990 LAPD Supervisory Development
- 1980 LAPD Academy

Conflict Resolution

- 1999 LA City Attorney's Office Dispute Resolution Program
- 1998 Ombudsman 101
- 1998 CDR, The Mediation Process Workshop
- 1995-1996 Masters Degree Course Work: Negotiations and Conflict Management

Diversity Awareness and Discrimination Prevention

- 2013 City of Los Angeles Sexual Harassment and Retaliation Course
- 2007 LAPD Retaliation Prevention Course
- 2005 California State Sexual Harassment Course
- 2004 Cultural Diversity Tools For Tolerance, Los Angeles, California
- 1999 Retaliation, Discrimination, Whistle Blowing Southern California Employment Workshop
- 1998 LAPD Affirmative Action For Supervisors
- 1997 Network Against Hate Crimes, National Conference
- 1997 Gay and Lesbian Community Issues For Law Enforcement, Los Angeles, California
- 1996 Building High Performing Inclusive Organizations, Sacramento, California
- 1995 California POST Cultural Diversity Trainer Program
- 1995 LAPD Cultural Diversity
- 1995 BNA Communications Cultural Diversity Workshop
- 1995 LAPD Preventing Sexual Harassment In The Workplace
- 1994 LAPD Museum Of Tolerance Diversity Workshop

Managing Violence In The Workplace

- 2000 City of Los Angeles Workplace Violence Prevention
- 1998 Innovative Law Enforcement Prosecution and Legal Advocacy
- Responses to Domestic Violence in the Workplace, California State Project
- 1997 Los Angeles County Nexus Conference II:
- Domestic Violence: The Gay and Lesbian Community
- 1996 Los Angeles County Nexus Conference I: Violence in the Family
- 1996-97 LAPD Hostage Negotiations, Intermediate and Advanced Courses
- 1996 LAPD Crisis Negotiations, Advanced Course

Committees Cadre Boards

- Los Angeles Police Relief Association Board of Directors, 1998-present
- LAPD Tactics Training Review Committee 2003-2015
- LAPD Hunter LaLey Strategic Planning Committee, 2005-2015
- Los Angeles Regional Interoperability Committee Systems Authority 2009-2015
- LAPD MACTAC development and implementation cadre 2009-2015
- LAPD 21st Century Mobil Field Force Training development cadre 2007-2015
- LAPD Sexual Harassment Curriculum Development & Training Committee, 1993-2015



- Los Angeles County Domestic Violence Counsel Task Force, 1994-2002
- LAPD Anti-Discrimination Committee, 1998-2010
- Los Angeles County Domestic Violence Legislative Committee, 1994-2002
- Los Angeles County Full Faith and Credit Protocol Committee, 1994-2002
- LAPD Domestic Violence Training Cadre, 1995-2006
- LAPD Affirmative Action Training and Curriculum Development Cadre, 1993-2005
- LAPD Diversity Curriculum Development and Training Cadre, 1993-present
- LA City Attorney's Domestic Violence Curriculum Development Committee, 1995-2003
- LAPD Peer Counseling Steering Committee, 1997-2005
- California POST Sexual Harassment Curriculum Development Committee 1993-1995
- California POST Domestic Violence Curriculum Development Committee, 1995-1997
- California POST Supervisory Development Course Curriculum Committee, 1999
- Los Angeles Police Commission Hate Crimes Task Force, 1997-2002





Maggie Goodrich

Maggie Goodrich is Chief Information Officer at the Los Angeles Police Department, where she is responsible for the management, oversight and implementation of all technology for all facets of the police department, including patrol, administration and special operations. From February 2016 through June 2016, Ms. Goodrich served as the Team Lead of the Review of Technology for Exiger's Comprehensive Review of the University of Cincinnati Police Department, where she analyzed the UCPD's policies, procedures and practices related to Technology, compared them with best practices, and made actionable recommendations.

Prior to her role of Chief Information Officer, Ms. Goodrich was Commanding Officer, TEAMS II Development bureau for the Los Angeles Police Department. In this role, she was responsible for the development and implementation of all LAPD Training Evaluation and Management Systems (TEAMS II), which included the Complaint Management System, the Use of Force System, the Officer Early Intervention System and the Data Warehouse.

Before joining the Los Angeles Police department, Ms. Goodrich was the Policy Director, Homeland Security and Public Safety for the Office of Mayor Antonio R. Villaraigosa, where she provided oversight of the Los Angeles Police Department, Los Angeles Fire Department and Emergency Preparedness Department. She managed litigations for the City of Los Angeles, drafted pleadings and represented the City in negotiations related to the Consent Decree between the United States Department of Justice and the City of Los Angeles.

Ms. Goodrich has also held the roles of Associate, Global Litigation and Corporate Responsibility Groups for Howrey LLP, and a Law Clerk for the Chief Counsel for Technology at the U.S. Department of Commerce.

She has also consulted on a number of IT development projects, including for the Seattle Police Department, the Detroit Police Department and BlueLine Grid.

Ms. Goodrich received her Juris Doctor from the University of California, Hastings College of the Law, and a Bachelor of Music, Magna Cum Laude, Departmental Honors, from Chapman University.

BAR MEMBERSHIPS

Member, State Bar Association of California

Court Admissions: Central District of California, U.S. Court of Appeals for the Ninth Circuit





Beth Corriea

From February 2016 through June 2016, Ms. Corriea served as the Team Lead of the Review of Data Collection Systems, Data Usage, Automation, and Records Management for Exiger's Comprehensive Review of the University of Cincinnati Police Department, where she analyzed the UCPD's policies, procedures and practices related to Data Collection, compared them with best practices, and made actionable recommendations.

From January 2012 to January 2014, Ms. Corriea served as the Department Risk Manager for the Los Angeles Police Department. Ms. Corriea was appointed to the newly created position by the Chief of Police, Charlie Beck. As the Department Risk Manager, Ms. Corriea was part of the senior staff and a direct report to the Chief of Police. In this position, Ms. Corriea provided oversight, direction and management of the various components of the Los Angeles Police Department's liability concerns. Ms. Corriea's risk management strategic plan focused on the following high-risk issues facing the Los Angeles Police Department: use of force, traffic accidents, employment issues, Fair Labor Standards Act issues and workers' compensation concerns. Additionally, Ms. Corriea oversaw the operations of Legal Affairs Division, Risk Management Assessment Section, Risk Analysis Unit and Risk Management Coordination Unit. Ms. Corriea also chaired the newly established Liability Management Committee and co-chaired the Risk Management Executive Committee. In this role, Ms. Corriea served as the Los Angeles Police Department's representative on all risk management and legal matters before the City Council, the City Attorney's Office and the state and federal courts.

Before her appointment to the Los Angeles Police Department, Ms. Corriea worked for the Los Angeles City Attorney's Office as a Deputy City Attorney from July 2005 to December 2011. Ms. Corriea was assigned to the LAPD Employment Litigation Section and became its supervisor in February 2010. During her employment, Ms. Corriea defended employment litigation filed by former and current police officers against the City of Los Angeles, Los Angeles Police Department and individual members of the Los Angeles Police Department. As a Deputy City Attorney, Ms. Corriea conducted all facets of civil litigation, including pre-trial, trial, appellate work, settlements and advice. Ms. Corriea completed a number of state and federal jury trials earning admission into the American Board of Trial Advocates in 2010. Membership in ABOTA is by invitation only and is limited to those who are of high personal character and honorable reputation. Ms. Corriea also made appearances before the California Supreme Court and the Ninth Circuit. Published decisions in connection with Ms. Corriea's work at the City Attorney's Office includes: *Chavez v. City of Los Angeles*, 47 Cal. 4th 970 (2010), a unanimous, landmark decision in favor of the City of Los Angeles. Additionally, Ms. Corriea made appearances before the Los Angeles City Council, its various committees, and the Los Angeles Police Commission. As the Section's supervisor, Ms. Corriea was responsible for managing the case assignments; settlement, trial and appellate decisions for approximately 100 open cases; and operating as the liaison between the City Attorney's Office and the LAPD.

Prior to working for the City Attorney's Office, Ms. Corriea worked as an associate at a law firm that served as outside counsel for the City of Los Angeles on police litigation matters. While an associate, Ms. Corriea worked as the lead attorney on a number of employment litigation matters, including several multi-plaintiff lawsuits involving hundreds of witnesses and thousands of records. As a second-year attorney, Ms. Corriea appeared before the Ninth Circuit, and as a fourth year attorney, Ms. Corriea fully briefed and appeared before the California Supreme Court on a landmark case. The



published decision can be found at: *Tipton-Whittingham, et al. v. City of Los Angeles*, 34 Cal. 4th 604 (2004). Ms. Corriea also fully briefed another matter before the California Supreme Court, a landmark decision on at-will employment. Ms. Corriea was set to argue the matter, however, she accepted a position with the City of Los Angeles before oral argument took place. In 2006, the California Supreme Court unanimously affirmed the summary judgment decisions that Ms. Corriea had obtained before the trial court. The published decision can be found at: *Dore v. Arnold Worldwide et al.*, 39 Cal. 4th 384 (2006).

EDUCATION

UCLA School of Law , Juris Doctorate, 1997 to 2000, cum laude

Honors include: Henry & Emma DeGarmo Scholarship (1999-2000); Shepard Broad Scholarship (1998-1999); David Simon Scholarship (1997-1998)

Publications: Robert Goldstein, Child Abuse & Neglect, Assisting and Credit for Casebook; Devon Carbado, Black Men on Race, Gender & Sexuality, Assisting and Credit for Reader

Activities include: Moot Court Honors (1998-1999); Women's Law Journal, Managing Editor & Proof Reader (1998-2000)

University of the Pacific , Bachelor of Arts, Political Science & History, 1993 to 1997, summa cum laude Honors include: Rhodes Scholar Nominee (1997); Phi Kappa Phi Honor Society (1993- 1997); Academic All-American NCAA Division I (1993-1997); Libby Matson Award (1997); National Dean's List (1993-1997)

Activities include: NCAA Division I Softball (Four-year Scholarship); Olympic Softball Tryouts 1996 USA Team

PROFESSIONAL ORGANIZATIONS

American Board of Trial Advocates, Member 2010 to Present

Association of Southern California Defense Counsel, Member 2009 to Present

Los Angeles County Bar Association, Member 2000 to Present

International Association of Chiefs of Police, Member 2013 to Present

PRESENTATIONS

International Law Enforcement Auditor's Association, January 8, 2014:

Law Enforcement Auditing Perspectives: Understanding Risk in Your Organization, Topic: Risk Management of a Law Enforcement Agency





Miriam Aroni Krinsky

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Before joining Exiger, Ms. Krinsky was an Adjunct Professor at Southwestern Law School, teaching a Youth at Risk seminar, and a Special Advisor to Los Angeles County Sheriff Jim McDonnell, assisting him with policy and strategic planning.

Prior to this, Ms. Krinsky was the Executive Director of the Los Angeles County Citizens' Jail Commission on Violence (CCJV), where she directed an assessment of the use of force and other procedures for the Custody division of the Los Angeles Sheriff's Department (LASD). In this role, she consulted numerous outside experts and served as a point of contact between the Commission, the LASD, and the community it serves, and was one of two primary authors of the CCJV's final report.

Before to her work on the CCJV, Ms. Krinsky served as a federal prosecutor for 15 years, both in Los Angeles and in the Mid-Atlantic region. As Assistant United States Attorney in the Central District of California, Ms. Krinsky served as Chief of the General Crimes Sections and Chief of the Criminal Appellate Section, chaired the Solicitor General's Advisory Group on Appellate Issues, and served on the Attorney General's Advisory Committee on Sentencing. During this time, she received the highest national award for appellate work from Attorney General Janet Reno. She began her career at Hufstедler, Miller, Carlson & Beardsley in Los Angeles.

Ms. Krinsky has also been involved in a number of professional and community endeavors. Most recently, she was appointed to the California State Board of Trustees, the regulatory body overseeing California lawyers, by the California State Supreme Court. Earlier, she was the first public sector lawyer to serve as President of the Los Angeles County Bar Association, acted as President for the Los Angeles City Ethics Commission, and served on the California Judicial Council, the leadership body for the state's judicial branch. She was also a founding member of the American Bar Association's Youth at Risk Commission, served on the California Blue Ribbon Commission on Foster Care, served on the Principles of Policing Advisory Group for the American Law Institute Sentencing Project. Ms. Krinsky was also Executive Director of the Children's Law Center of Los Angeles and recently acted as a policy consultant at The California Endowment, where she focused on national reform projects concerning youth violence, prevention, and juvenile justice.

Ms. Krinsky earned her Bachelor of Arts degree in economics, and her Juris Doctor from the University of California at Los Angeles. Throughout her career, she has acted as an expert when testifying before local, state, and federal policy groups, authored more than 50 articles, and lectured nationwide on criminal trial and appellate law, foster care, juvenile justice, and sentencing issues.



John Linder

For many years, John Linder has provided tools to leaders of law-enforcement as well as other public-sector agencies that assisted them in revitalizing their organizations through innovative strategies, operational accountability, and cultural transformation, and, in so doing, secure dramatic, nation-leading results.

John Linder designed a research, management and communications process called Performance Engineering™ that uproots ingrained perceptions, secures committed behavioral change among large groups of people over long periods of time, and reinforces and reaffirms those behaviors with organizational systems fundamentally altered to reflect a strong leader's values and purposes. In this context, Linder's Cultural Diagnostics, reengineering programs, and plans of action have marshaled political and organizational understanding of what must be done — and why — to help such leaders build high-performance agencies. Linder also designed and delivered major advertising campaigns in New York, Baltimore and New Orleans to alter the governing dynamics affecting race, crime and education.

Jack Maple, Linder's partner in the five years before his death, conceived and co-created CompStat when he was Deputy Commissioner for Operations at the New York Police Department. CompStat is an outcome management process that rapidly retrieves and analyzes crime data and drives accountability and authority for crime reduction to the lowest appropriate level of police organizations.

Clients have included the police departments and/or mayors in New York, New Orleans, Newark, Boston, Baltimore, Atlanta, Cincinnati, and Los Angeles, as well as the Massachusetts State Police, the Louisiana Chemical Manufacturers Association, the New Orleans Public Schools, the University of New Orleans, among others.

While in New Orleans in the late 90's, Linder and Maple assisted Superintendent Richard Pennington in providing analysis of NOPD operations, staffing and competitive compensation. The Pennington plan, based on this analysis and executed by the men and women of the NOPD, rapidly expanded the size of the department with thoroughly screened officers and succeeded in cutting murder in half within three years.

Since January 2014, Linder has been assisting NYPD Commissioner William J. Bratton in performing a Cultural Diagnostic (including foundational design of an integrated sentiment gathering system that provides precinct-level information to be integrated into new performance metrics for police and the community), structuring his reengineering program (which has involved more than 1,300 people in examining all aspects of operations and resource needs), and recommending a strategic framework for addressing simultaneously the tripartite reality of dramatic but asymptotic crime reduction, the alienation from police of some segments of communities of color, and the sense of isolation of the police officers sworn to serve them. At the request of the Mayor's Office during this same period, Linder also directed a consultant analysis of the New York City Department of Correction.

Earlier in his career John Linder served as communications director, press secretary and/or chief speechwriter for two governors (Ohio, Montana) and one U.S. Senator (Montana). He is a graduate of Columbia College in New York.





Denise Lewis

Denise Lewis works with Exiger Advisory, Exiger's specialized consulting division, which executes the firm's monitoring assignments and delivers sustainable governance, risk management, and regulatory compliance consulting services to financial institutions and multinational corporations.

Before joining Exiger, Ms. Lewis served as Director for Contract Compliance at KeyPoint Government Solutions, where she most recently focused on internal auditing and maintaining compliance for a contract with the Office of Personnel Management. While there, Ms. Lewis conducted personal bankruptcy reviews for the pilot Bankruptcy Audit Program of the Office of U.S. Trustees until the contract was transferred to KeyPoint, worked reputational investigations connected with the Department of Energy Loan Guarantee Program, and served as an Intelligence Analyst for the State of Nevada Threat Analysis Center. She also served as a Quality Control Analyst at the firm.

Earlier in her career, Ms. Lewis worked with Kroll as it fulfilled its monitorship responsibilities as a member of the Independent Monitoring Team of the Detroit Police Department (DPD). She also worked with the Los Angeles Police Department, the Los Angeles Airport Police Department, and the San Jose Police Department providing expertise in managing risk, evaluating policies and procedures, and institutionalizing the audit function.

Ms. Lewis began her career with the LAPD. Over more than 14 years, she held numerous positions, including patrol, internal and criminal investigations, and supervising field officers. She also developed expertise in training and lesson plan development emergency management, tactical leadership, risk management, auditing, and administrative investigations. Prior to retiring from the force in 2003, Ms. Lewis achieved the rank of Sargent II in the LAPD's Internal Audit division.



Elizabeth Carreño

Ms. Carreño is a Community Relations Manager at the University of Southern California Department of Public Safety, where her responsibilities include: supervising student workers assigned to the Community Relations Office; overseeing media relations and media operations; identifying training, schedule, and personnel needs of the front desk operations as well as the Community Relations Office; creating and managing the unit event calendar; creating and managing a budget through fundraising; and national public speaking as a representative of USC and DPS.

From November 2011 through August 2015, Ms. Carreño served as a Community Service Officer I in the USC Department of Public Safety, where her responsibilities included: camera surveillance of the University campus and surrounding areas; operator of the License Plate Recognition system; monitor of the University's alarm systems; and conducting foot and vehicle patrol checks of campus; completion of investigative reports.

Ms. Carreño received her Bachelors of Science Degree in Criminal Justice from California State University in California.



Appendix F

Madison PD Policy & Procedure Review Timeline

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Appendix G

Final Report for the Comprehensive Review of the University of Cincinnati Police Department



Submitted to:
The University of Cincinnati
Office of Safety and Reform

June 1, 2016

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I. Introduction



The shooting death of Samuel DuBose is a tragedy that shook the University of Cincinnati (the “University” or “UC”), its Police Department (the “Department” or “UCPD”) and the Cincinnati community to their core. In the wake of that tragedy, the University Administration has commendably taken a series of steps to determine what led to the shooting and how to best ensure that mistakes of the past are never repeated. One such step was the engagement of the Exiger team to perform a comprehensive review of UCPD.

Over the last four months the Exiger team has spoken to a significant number of members of the University faculty, staff, administration, student body, as well as numerous Cincinnati residents and reviewed thousands of pages of documents in an effort to fully understand the improvements that are necessary to help transform UCPD into a model law enforcement agency by combining best practices of urban, university and community policing.

This is the Exiger team’s final report in which we present our findings and recommendations for remediation and reform of the organization. Many of the recommended reforms are significantly underway, some being undertaken even prior to our arrival. Our report consists of this Introductory Section, an Executive Summary including the “Fundamental Recommendations” which form the foundation for UCPD to become the model agency toward which it strives; a background section that covers the history of the UCPD, and the incident that gave rise to this assignment; a section outlining the scope of the assignment; followed by a section on the methodology utilized for completion of the assignment; and finally, a section containing the biographies of the members of the Exiger team. This is followed by a series of sections that cover each of the subject matter areas specified in the Request for Proposal. All told, there are 14 Fundamental Findings with 25 corresponding Recommendations, and there are 115 additional findings with 251 specific recommendations which the team believes, if implemented, will collectively transform the Department.

II. Executive Summary

It can be said that nothing is more important to the perception of fairness in government than the way in which that government polices its residents. This is no less true for a university police department than it is for a municipal or state police department. While the primary role of the police is to ensure public safety, the manner in which it does so, and the extent to which, as an organization, it follows the rule of law, and is true to its own mission and values, is as vital to the health of a law enforcement organization as the ultimate statistics measuring crime. The undertaking of a comprehensive review by the University is the first step in ensuring that all processes and operations of the UCPD are operating in an appropriate manner and represent best practices in policing today.

In executing this Review, the Exiger team collected and analyzed documents and conducted interviews pertaining to each of the 13 substantive areas covered by the scope of work with the goal of identifying gaps between the current state of the UCPD and its ideal state in terms of mission, values and the utilization of best practices.

Part of the Review necessarily included an examination of whether the UCPD is striking the appropriate balance between the measures necessary to ensure safety, deter crime and provide a sense of security to all its constituencies, and, the desire to maintain UC as a welcoming and open environment that serves not only a diverse faculty, student and staff population, but also the economically and racially diverse populations that live in the surrounding communities.

What we found was that, despite an extremely dedicated and good-willed staff of both sworn and unsworn personnel, many of the critical processes and functions of the department fell well short of best practice. We believe, however, that with the right oversight and a relentless commitment to purpose, best practices can, in relatively short-order, be woven into the fabric of the organization, with UCPD becoming a model for not only university policing, but moreover, for the community problem oriented policing (CPOP) model that holds the key to solving many of the issues facing policing in America today.

A. Fundamental Findings and Recommendations

While all of the Findings and Recommendations contained in this report are important and represent best practice, the following Fundamental Findings and Recommendations lie at the foundation and core of the reform necessary to begin the process of addressing the shortcomings of the Department.

Finding 1: UCPD does not currently have a mission statement

that clearly describes its function, and reflects its basic philosophy.

Recommendation 1A: UCPD should adopt a mission statement that will serve as a foundation and guidepost for its going-forward reforms.

Recommendation 1B: UCPD's mission statement should (1) provide for the safety and security of faculty, staff, students and visitors, (2) promote concepts of fairness, non-biased policing with minimal intrusion, and (3) promote service to the broad University community.

Finding 2: The UCPD currently has no internal audit, inspectional service, or monitoring function.

Recommendation 2A: UCPD should establish an internal audit or inspectional service that reports directly to the Vice President of Safety and Reform.

Recommendation 2B: Critical areas and functions of the Department should be audited on a regular cycle, as memorialized in an annual audit plan.

Recommendation 2C: In addition to the audits, a voluntary monitoring function, similar to that imposed in the DOJ Consent Decrees, should be established to track each of the reforms outlined in the recommendations of this report and ensure that they are implemented according to the suggested or agreed upon schedule.

Finding 3: UCPD lacks an effective process for developing and managing new policies and procedures, and reviewing and updating existing ones.

Recommendation 3A: UCPD should update its policies and procedures to reflect campus law enforcement best practices, and assign ongoing responsibility for ensuring that they are kept current.

Recommendation 3B: UCPD should, at a minimum, become certified by CALEA¹ and/or IACLEA.², if not

¹ The Commission on Accreditation for Law Enforcement Agencies (CALEA) is a credentialing authority, based in the United States, whose primary mission is to accredit public safety agencies, namely law enforcement agencies, training academies, communication centers, and campus public safety agencies.

² The International Association of Campus Law Enforcement Administrators (IACLEA) is a leading voice for the campus public safety community, and its membership represents more than 1,000 colleges and universities. Its goal is to advance public safety for educational institutions by providing educational resources, advocacy, and professional development services.

both, of these certifying entities.

Finding 4: Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief.

Recommendation 4A: Traffic and pedestrian stops should not be used as a crime fighting tool by UCPD. Clear guidance by policy and procedure should be given as to how traffic stops should be conducted and when, if ever, off-campus traffic stops are permissible.

Recommendation 4B: The Office of Safety and Reform, must continue to ensure the collection, aggregation, and analysis of all relevant stop data.

Finding 5: UCPD does not have an implemented policy on biased policing.

Recommendation 5A: UCPD should fully implement a policy on biased policing that clearly and unequivocally indicates that UCPD officers may not use race, color, ethnicity, or national origin, to any extent or degree, in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or group.

Recommendation 5B: UCPD should develop a curriculum and institute training on the biased policing policy including training on implicit bias and should deliver such training both to new and existing members of the department. In-service training on the topic should be developed and delivered annually.

Finding 6: UCPD's policies on Use of Firearms and Deadly Force and Less Lethal Uses of Force are insufficient, do not reflect current best practices and lack clarity regarding the circumstances under which the use of force is authorized.

Recommendation 6A: UCPD should draft and implement a single Use of Force policy that should cover both when force is permitted to be used as well as the resulting departmental investigation and review process of uses of force.

Recommendation 6B: UCPD's new use of force policy should emphasize de-escalation and sanctity of life.

Finding 7: UCPD does not currently arm UCPD officers with

Conductive Energy Devices (CEDs), removing an option that would allow officers the ability, in appropriate circumstances, to disable an individual from a safe distance and avoid potential resort to deadly physical force.

Recommendation 7A: UCPD should expand the alternatives that its officers have to the use of deadly physical force by arming UCPD officers with CEDs, complying with whatever constraints may exist from the settlement of prior lawsuits.

Recommendation 7B: A clear policy statement governing the use of less-lethal weapons should be included in the revised use of force policy.

Recommendation 7C: UCPD should develop intensive training on the use of CEDs and the relevant policies related thereto. Training should include scenarios in which the utilization of CEDs is appropriate and those instances where it is not.

Finding 8: UCPD lacks a clearly defined method of investigating uses of force by its members.

Recommendation 8A: UCPD should establish a protocol for the timely review of every use of force to determine the appropriateness of such use of force from an administrative point of view and whether or not further investigation, including potential criminal investigation, or discipline is appropriate.

Finding 9: UCPD's written policies and procedures for hiring do not prioritize the need to establish a police officer candidate pool that is representative of the diverse community it serves.

Recommendation 9A: UCPD should update its hiring policy by requiring a diverse slate of candidates throughout the police officer recruitment process.

Finding 10: Training Policies and Procedures are generic and out dated and do not meet the needs of UCPD.

Recommendation 10A: UCPD should draft and adopt consistent policies and procedures for the development and approval of all UCPD courses and ensure that all such courses are consistent with the mission and philosophy of the department.

Finding 11: UCPD policies with respect to complaint receipt, investigation, and disposition are inadequate.

Recommendation 11A: UCPD should draft comprehensive Complaint Initiation Policies and Procedures that define the workflow of the different categories of complaints from investigation to adjudication.

Recommendation 11B: These policies and procedures should, among other things, prohibit any attempt to dissuade an individual from filing a complaint, and require officers to report the misconduct of other officers including improper use or threatened use of force, false arrest, unlawful search or seizure, or perjury.

Finding 12: UCPD's effort to develop and maintain a robust community affairs program is not centralized or coordinated.

Recommendation 12A: The essential nature of the community affairs function within the UCPD should be recognized and appropriate resources dedicated to it.

Recommendation 12B: Community Oriented Problem Solving Policing should be infused throughout the fabric of UCPD.

Finding 13: UCPD is currently using several different systems for collecting and storing data, including the Computer Aided Dispatch (CAD) system, Automated Records Management System (ARMS), Guardian Tracking, the Institute of Crime Science (ICS) Dashboard, and a number of unconnected Microsoft Access Databases (MADs).

Recommendation 13A: To the extent that it is possible, UCPD should integrate its data collection systems into one large database that tracks all of its data, or create an umbrella program that would operate like a search engine to allow UCPD to search and pull relevant data from all the UCPD databases.

Finding 14: The UCPD has historically made little use of the vast resources of the University at large.

Recommendation 14A: UCPD should make maximal use of UC's resources in order to fully implement the recommendations made in this report.

III. History of the Department

The UCPD is a fully empowered law enforcement agency that provides all public safety and emergency services for the University of Cincinnati, a state university, with 14 colleges, approximately 44,000 students and 15,000 employees, and an economic impact of more than \$3 billion. All UCPD Police Officers have full police authority, and are certified law enforcement officers by the State of Ohio, having completed all training requirements required by the Ohio Peace Officer Training Commission (OPOTC). UCPD currently has an authorized strength of 74 sworn members throughout all ranks, and currently employs 26 security officers.

The UCPD was formed in 1965 when administrators of the University and Cincinnati General Hospital decided that a formal police department was needed. Prior to 1965, the campus had private police and contract guards. The first certified police officers that were hired acted as supervisors for the contract security officers and building guards working in those campus areas. In 1967, retired Cincinnati police lieutenant Paul Steuer was hired as police chief of the University, and retired Cincinnati police officer John Reed was hired as chief of police for Cincinnati General Hospital. The officers were not armed until 1968. In 1975, campus security formally became the Department of Public Safety. The UCPD and the General Hospital Police merged into one department with state police authority when the University became a state university in 1977.

From 1978 through January of 2011, the UCPD was run by Chief Gene Ferrara. Over the course of its 50-year history, the UCPD was involved in four police officer related deaths, two of which occurred during Chief Ferrara's tenure. The first occurred in February of 1997, when Lorenzo Collins, a 25-year-old African American man with a history of mental illness, was shot three times by both a UCPD officer, and an officer of the Cincinnati Police Department ("CPD"). Minutes before the shooting, Mr. Collins had escaped from the psychiatric ward of the University Hospital, and at the time of the shooting, he was threatening the officers with a brick. After an investigation by both the CPD and the UCPD, no disciplinary action was taken against either officer. The second occurred in January of 2010, when Kelly Brinson, a 45-year-old African American male and mental health patient died after he was tased and restrained by UCPD officers inside the University Hospital. The UCPD officers alleged that Brinson had assaulted a law enforcement officer and ignored repeated directives to stop. None of the officers involved received any form of discipline as a result of this incident.

During this period there were other incidents that caused un-

rest between the Cincinnati community and the officers who police them. In 2001, between April 9 and April 13, there were a series of protests in downtown Cincinnati, as a result of the shooting of an unarmed African American man by the CPD. Violent protesters threw objects at policemen, and vandalized and looted businesses causing \$3.6 million in damage to businesses and another \$1.5 to \$2 million to the city. Thereafter, the City worked with the community and police to improve training and policies. In addition, in December of 2002, a United States District Court Judge for the Southern District of Ohio appointed Saul A. Green and a team of eight policing experts to monitor compliance with, and implementation of, the Memorandum of Agreement (MOA) between the United States Department of Justice, the City of Cincinnati and the CPD. Over the course of the six-year monitorship, the monitoring team published one final report and 21 quarterly reports chronicling the state of compliance by the parties with the MOA.

In January of 2010, as a direct result of increasing crime against students in the areas surrounding the University, the UCPD entered into a Memorandum of Understanding (MOU)³ with the City, which gave the UCPD broader jurisdictional authority within the City limits. Specifically, the MOU allowed UCPD officers to:

- Conduct felony arrests off campus and then turn the case over to the CPD;⁴
- Conduct misdemeanor arrests off campus and maintain responsibility for the case;⁵
- Investigate crimes that occur on campus and which continue into the jurisdiction of the City of Cincinnati.⁶
- Conduct off-campus arrests for serious motor vehicle violations — including operating a vehicle while intoxicated and motor vehicle violations causing death or serious harm — and then turn the case over to the CPD.⁷
- Conduct arrests for all other off-campus motor vehicle violations and maintain responsibility for the case.⁸

In January of 2011, Chief Ferrara retired after 33 years of service, and the UCPD entered a period of instability in its leadership. Immediately after Chief Ferrara's retirement, Assistant Chief Jeff Corcoran was appointed as Interim Chief. He served for 10 months before being replaced in November of

³ The title of the document is "Mutual Assistance In-Progress Crime Assistance Agreement Between the City of Cincinnati and the University of Cincinnati." It appears that while drafted in 2009, the MOU was not signed, at least by one signatory, until January 8, 2010. The document itself remains undated.

⁴ MOU Section I. A

⁵ Id.

⁶ MOU Section III.

⁷ MOU Section I. B.

⁸ Id.

2011, by Chief Michael Cureton. Chief Cureton served for 20 months before resigning in July of 2013. Assistant Chief Corcoran again served in the role of Interim Chief, until November of 2014, when replaced by Chief Jason Goodrich. Chief Goodrich served until February 2016, when he was asked to resign as a result of an investigation, conducted by Exiger, into certain statements and representations to the senior administration of the University that he made following the DuBose shooting⁹.

During this period of shifting leadership, the UCPD was involved in two additional officer involved fatalities. The first occurred in August of 2011, when a UCPD officer deployed his TASER resulting in the death of Everette Howard, an 18-year-old African American high school graduate enrolled in UC's Upward Bound Program. The officer involved indicated that Howard was "agitated" and "charged" at him. The officer claimed he ordered Howard to stop prior to using his TASER, but that Howard refused. As a result of this incident, in August 2011, the UCPD removed TASERs from use.

The last officer involved death, that of Samuel DuBose, occurred on July 19, 2015. This incident served as the catalyst that led to Exiger's review, and is discussed in further detail in the following section.

Following the death of Samuel DuBose, the Chief of Police, who previously had reported directly to the Senior Vice President of Administration and Finance, began reporting to the new Director of Public Safety who was appointed in August of 2015. The Director of Public Safety, in turn reported to the Senior Vice President of Administration and Finance until April of 2016, when the reporting structure changed, with the Director of Public Safety reporting to the Vice President for Safety and Reform, who in turn reported directly to the President of the University. We believe this change was important and appropriate.

⁹ During the first weeks of this comprehensive review, facts came to light that called into question the statements and representations made by Chief Goodrich following the shooting of Samuel DuBose. As a result of the questions raised, Exiger was asked to undertake an investigation of the facts and circumstances surrounding the statements and representations made by the Chief. A report of that investigation was delivered to the University on February 29, 2016.

IV. Background of the Assignment

On July 19, 2015, former-UCPD Officer Raymond Tensing conducted a traffic stop approximately one mile off-campus. During this stop, an altercation occurred between the driver of the car, Samuel DuBose, and the officer, resulting in the shooting death of Mr. DuBose by Officer Tensing. The CPD conducted the initial investigation and provided all investigative materials to the Hamilton County Prosecutor's Office. Officer Tensing was indicted for the murder of Samuel DuBose by a Hamilton County Grand Jury and subsequently dismissed from UCPD.

The immediate days and weeks following the incident saw calls for reforms from both City officials and the community. As a result, the UC Administration engaged in a number of review and reform efforts, including:

- Creating the UC Office of Safety and Reform (OSR);
- Appointing Dr. Robin Engel as Vice President of Safety & Reform to oversee all review and reform efforts related to the UCPD, and public safety more broadly;
- Creating the position of the Director of Public Safety, to whom the Chief of Police would report, and hiring James Whalen to fill that position;
- Creating the position of the Director of Police-Community Relations, and hiring S. Gregory Baker to fill that position; and
- Establishing the UC Safety and Reform Community Advisory Council (CAC), consisting of 19 members representing various groups from the University and the larger Cincinnati community, for the purpose of building, enhancing and expanding UCPD's relationships with the diverse local communities.

On July 31, 2015, the University retained Kroll Inc. to conduct an external review of all aspects of the officer-involved shooting. On September 11, 2015, Kroll issued a report concluding that although the traffic stop was justified, Officer Tensing “made critical errors in judgment that created an elevated risk of a serious or fatal bodily injury.”¹⁰ The Kroll Report further concluded that Officer Tensing was not justified in using deadly force on Samuel DuBose.

The Kroll Report went on to offer a series of recommendations, including that the UCPD should:

- Consider limiting the parameters of off-campus patrol;
- Re-assess its defined mission and determine if it has the skill sets necessary to perform the requirements of urban policing;

¹⁰ Kroll Report, Page 46

- Perform a more extensive review of its policies and procedures;
- Evaluate how to create a diversified police force that more accurately reflects the rich diversity of the University of Cincinnati and surrounding communities; and
- Further evaluate and assess existing training requirements to ensure they incorporate statewide objectives.¹¹

As a result of the Kroll Report's recommendations, on November 16, 2015, the University, in collaboration with the CAC, issued a Request for Proposal (RFP), seeking a comprehensive external review of the UCPD's policies, procedures, practices, and training, "in an effort to strengthen UC's commitment to incorporate trust, open communication and cooperation between the UCPD, members of the UC and surrounding neighborhoods."¹² On December 21, 2015, Exiger submitted a proposal to the University in response to the RFP. On or about February 1, 2016, the University informed Exiger that its team had been chosen to perform the Review, which commenced on February 8, and will last through the delivery of this report and a number of subsequent meetings to discuss its contents.

¹¹ Kroll Report, Pages 61-63

¹² See RFP, Page 9.

V. Scope of the Assignment

To perform the Review of the UCPD, the University asked Exiger to focus on the following 13 areas:

- Policies and Procedures;
- Data Collection Systems, Data Usage, Automation, and Records Management;
- Training;
- Accountability Mechanisms;
- Officer Recruitment, Hiring, Promotion, and Retention;
- Equipment;
- Training;
- Use of Force;
- Pedestrian and Traffic Stops;
- Encounters Involving Individuals with Mental Health Concerns;
- Community Engagement, Community-Oriented Policing, and Student Engagement;
- Problem Solving, Problem-Oriented Policing, and Use of the SARA Model; and
- Crime Prevention Tools, Practices, and Strategies;

For each of these 13 areas, Exiger was asked to perform a series of tasks, some of which were specific to that particular area of the Review. In each area of the Review, Exiger was asked, at a minimum, to:

- Review the UCPD's relevant policies and procedures;
- Assess the extent to which the UCPD's practices compare with best practices for urban university police agencies;
- Identify areas where the UCPD needs improvements; and
- Provide actionable recommendations to rebuild trust between the UCPD and the community.

VI. Methodology

Prior to being awarded the contract, Exiger began planning and ultimately devised a methodology that allowed us to accomplish the goals of the Review in an efficient and cost effective manner. During the first week of the Review, a large document request was sent to the University, seeking all relevant written documents – including the UCPD’s written policies, procedures, training manuals, and practices. In response to this request, several hundred electronic documents were received from the University, which were placed into a secure online repository where they could be viewed by all Exiger team members.

On February 15, 2016, several members of the Exiger team conducted the first of many site visits at the University. While there, the Exiger team familiarized themselves with the UCPD, the University, and the City, met with key stakeholders,¹³ and picked up written documents and materials that could not be transmitted electronically. Over the course of the engagement many of the team members made additional trips to the University in order to further observe the practices of UCPD, conduct follow-up interviews with UCPD officers and other key personnel, meet with community leaders, and collect additional documents.

For each of the thirteen areas of the Review, Exiger assigned one team member to act as the team lead. Each team lead was responsible for reviewing relevant documents, conducting interviews, observing UCPD practices, and providing findings and recommendations for his/her area of the review. For most of the areas reviewed, Exiger also assigned an additional team member to provide assistance to the team lead. The findings and recommendations made by the team leads were then shared with the rest of the team, so that other Exiger team members could read them and provide feedback. Over the course of the project, the Exiger team conducted a weekly conference call, during which the team leads provided the project lead and other team members with status updates, including any new findings or recommendations.

¹³ During this visit the Exiger team met with the University Administration, representatives of the UCPD, representatives of the Office of Safety and Reform, and the Community Advisory Counsel, members of the community at large, and student representatives.

VII. Team Members



Jeff Schlanger – Project Lead; Team Lead: Review of Pedestrian and Traffic Stops

As Project Lead for the University of Cincinnati, Mr. Schlanger was responsible for directly overseeing the designated team leads. Mr. Schlanger also served as the team lead for the Pedestrian and Traffic Stop component of the Review. Mr. Schlanger has more than 30 years of experience in law, prosecution, law enforcement, and, perhaps most critically, police department monitoring. Mr. Schlanger founded the Government Services practice at Kroll, and, as a subset of that practice, began, with William Bratton, consulting to major police departments around the world. Mr. Schlanger was instrumental in the design and execution of the monitoring methodology in Los Angeles, serving as the Deputy Primary Monitor for the LAPD consent decree, and has performed significant independent investigations at the request of large police departments throughout the country including the Tennessee Highway Patrol, the San Francisco Police Department, and the Austin Police Department. Significantly, Mr. Schlanger has served on the Executive Committee of the Working Group for National Guidelines for Monitors, developing the National Guidelines for Police Monitors. Before joining Exiger, he was Chief of Staff at the Manhattan District Attorney's Office, overseeing not only the day-to-day operations of New York's largest prosecutor's office, but also handling its "Extreme Collaboration" initiative with the NYPD. This included the funding, through forfeiture monies, of the mobility initiative for the NYPD. Mr. Schlanger continues to serve as a pro-bono advisor to NYPD Commissioner William Bratton and those within the NYPD working on the "re-engineering" of the Department.

Charles Ramsey – Team Lead: Review of Use of Force

Commissioner Ramsey served as the team lead for the Use of Force component of the Review. A native of Chicago, Illinois, Commissioner Ramsey joined the Chicago Police Department in 1968, and served for 30 years, holding several prominent positions, including the Commander of the Narcotics Section, the Deputy Chief of the police force's Patrol Division, and eventually the Deputy Superintendent. From 1998 until 2006, Commissioner Ramsey served as the Chief of the MPDC in Washington DC, where he implemented programs that expanded community policing, and improved

MPDC's recruiting, hiring, and training standards. His eight-year tenure as Chief of the MPDC saw crime rates decline approximately 40%. In 2008, Commissioner Ramsey came out of retirement to become the Police Commissioner in Philadelphia, where he once again implemented a community-based approach to policing, and saw a marked decrease in city-wide homicides and violent crimes. In recent years, Commissioner Ramsey served as the Co-Chair of President Obama's Task Force on 21st Century Policing, as well as President of the Police Executive Research Forum (PERF) and the Major Cities Chiefs Association (MCCA). On January 7, 2016, Commissioner Ramsey retired as commissioner of the Philadelphia Police Department.



John Thomas – Team co-Lead: Review of Policies and Procedures

Chief Thomas served as the team co-lead, along with Chief Porter, for the Review of the UCPD's Policies and Procedures. He also was assigned to provide assistance to other team leads in areas of the Review that call for expertise on campus policing. Chief Thomas is currently the Chief of the USC Department of Public Safety and is responsible for overseeing the management and control of over 280 officers responsible for the safety of members of the USC campus and surrounding community. Since his appointment and implementation of crime reduction and quality of life strategies in 2006, the campus community has experienced over a 70% decrease in overall violent crimes. Prior to his work at USC, Chief Thomas spent twenty-one years as a member of the LAPD where he retired at the rank of Lieutenant in December 2005. While with the LAPD, he worked in undercover narcotic enforcement as a member of the Department's FALCON (Focused Attack Linking Community Organizations and Neighborhoods) Unit for which he was awarded the City of Los Angeles' City Angel Award for Outstanding Community Enhancement and the Department's Meritorious Unit Citation. Chief Thomas is also a member of the International Association of Campus Law Enforcement Administrators (IACLEA), the Police Executive Research Forum (PERF), the International Association of Chiefs of Police (IACP) and the National Organization of Black Law Enforcement Executives (NOBLE).



Mark Porter – Team co-Lead: Review of Policies and Procedures

Chief Porter served as the team co-lead, along with Chief Thomas, for the Review of the UCPD's Policies and Procedures. He also was assigned to provide assistance to other team leads in areas of the Review that call for expertise on

campus policing. With over 30 years of experience in law enforcement management in the higher education field, Chief Porter has extensive knowledge and experience in strategic planning processes and community-based service models to enhance community safety, officer accountability, and police-citizen interactions. Chief Porter began his career as a patrol officer in the Northeastern University Public Safety Division, where he served for 14 years. From 1996 until 2005, Chief Porter served as the Chief of Police and Director of Public Safety at the University of Massachusetts-Dartmouth. Since 2005, Chief Porter has been the Executive Director of Public Safety and Chief of Police at Brown University, where he develops and oversees the implementation of policies including, in 2006, a comprehensive training program in response to the University's decision to issue firearms to officers. Chief Porter is a member of PERF, and in 2008 received a Distinguished Community Contribution Award from the NAACP.



Beth Corriea – Team Lead: Review of all UCPD Data Collection Systems, Data Usage, Automation, and Records Management

Beth Corriea served as the team lead for the Data Collection Systems component of the Review. Ms. Corriea is an attorney and consultant to police departments in the area of risk management. From January 2012 to January 2014, she served as the Department Risk Manager for the LAPD, having been appointed to the newly created position by the Chief of Police, Charlie Beck. As the Department Risk Manager, Ms. Corriea was part of the senior staff and a direct report to the Chief of Police, providing oversight, direction, and management for the various aspects of the LAPD's liability concerns, which includes the high-risk issue of use of force, and interfacing with the LAPD's Early Warning System ("TEAMS II"). Before her appointment to the LAPD, Ms. Corriea worked for the Los Angeles City Attorney's Office as a Deputy City Attorney from July 2005 to December 2011. Ms. Corriea was assigned to the LAPD Employment Litigation Section and became its supervisor in February 2010.



Sandy Jo MacArthur – Team Lead: Review of Training

Assistant Chief MacArthur served as the team lead for the Review of Training. Chief MacArthur had a career in policing spanning over 35 years of service with the LAPD. Her early assignments included Patrol, Vice, Special Problems Unit, Training, Ombudsperson, Press Relations and Risk Management. After being promoted to Captain and assigned to the Civil Rights Integrity Division, she was responsible for overseeing implementation of the requirements of the the 2001

federal Consent Decree and of all other department court settlements. In 2010, Chief MacArthur was promoted to the rank of Assistant Chief, director of the Office of Administrative Services. She managed a billion-dollar budget and led challenging LAPD initiatives including the State Diversity and Discrimination Training Programs, the Multi-Assault Counter Terrorism Action Capabilities (MACTAC) regional training program, and the redesign of the recruit training program by applying principles of adult learning theory and critical thinking skills. Also, in 2006, she established the LAPD Leadership Enhancement and Development Sessions (LEADS) training program that is conducted on a quarterly basis for LAPD Command Staff.



Patrick Harnett - Team Lead: Review of Accountability Mechanisms

Chief Harnett served as the team lead in the review of Accountability Mechanisms. He began his career in law enforcement as a member of the NYPD where he remained for 32 years. During this time, he was responsible for implementing the NYPD's Crime Stoppers Hotline and commanding its Major Case Detective Squad. He also contributed to the evolving process of CompStat (short for Computer Statistics), which is a management philosophy and organizational tool for police departments. After retiring from the NYPD, Chief Harnett worked as a consultant for New York State's Division of Criminal Justice Services implementing the CompStat process in the Buffalo, Niagara Falls, and Schenectady Police Departments. Chief Harnett also served as the Chief of Police in Hartford, Connecticut from June 2004 until July 2006. Since January of 2000, Chief Harnett has consulted as a police management and public safety expert conducting operational and organizational reviews of numerous public safety entities, including domestic municipal police departments, foreign police departments, and large university and municipal school systems. His reviews focused on assessing and enhancing existing agency organization and operations, as well as implementing specific action plans to improve management accountability at all levels while improving service delivery and reducing crime. He has worked with many municipal police departments including in Los Angeles, Detroit, Baltimore, Miami, Trenton, and Columbus, Ohio, as well as several University police forces including Brown University and the University of Chicago.



Nola M. Joyce - Team Lead: Review of Officer Recruitment, Hiring, Promotion, and Retention

Deputy Commissioner Joyce served as the team lead on the recruitment, hiring, promotion and retention component of

the Review. She is nationally recognized as a leader in policing policy, research, and practice. She served for eight years as the Chief Administrative Officer and Chief of Staff of the MPDC, under Commissioner Ramsey. During her time with the MPDC, Commissioner Joyce exercised direct oversight over many of the department's most important divisions and was responsible for ensuring that all elements of the organization aligned their work with Commissioner Ramsey's vision for community-based policing. From 2008 until February of 2016, Commissioner Joyce served as the Deputy Commissioner of the PPD, directly under Commissioner Ramsey. She was the leader of the Organizational Services, Strategy and Innovation Unit within the PPD, which contains 1,142 employees and was responsible for all of the department's administrative, policy, research, technology, and training functions. From 1983 through 1993, Commissioner Joyce was the Manager of Budget, Planning and Research for the Illinois Department of Corrections, where she managed a half-a-billion dollar operating budget.



Maggie Goodrich – Team Lead: Review of Technology

Chief Information Officer Goodrich served as the team lead on the Technology component of the Review. She is currently the Chief Information Officer for the LAPD, where she manages a \$30 million annual technology budget, and is responsible for the management, oversight, and implementation of all technology for all facets of the police department, including patrol, administration, and special operations. She also manages the day-to-day operations of the IT Bureau, including directing staff who support a variety of IT functions. Prior to this, from 2006 through 2009, Chief Goodrich served as Commanding Officer for the Management Systems Reengineering Project, and was responsible for the development and implementation of all LAPD Training Evaluation and Management Systems (TEAMS II), which include: The Complaint Management System; the Use of Force System; the Officer Early Intervention System; and the Data Warehouse.



Roberto A. Villaseñor – Team Lead: Review of Equipment; Team Lead: Review of Encounters with Individuals with Mental Health Issues

Chief Villaseñor served as the team lead on the Equipment and the Mental Health Issues components of the Review. He recently retired as the Chief of Police for the Tucson Police Department, where he was responsible for the leadership and management of over 1,400 employees, including over 1,000 sworn officers. Chief Villaseñor spent the entirety of his 35-year career in law enforcement as a member of the

Tucson Police Department. Chief Villaseñor served as Tucson's Assistant Chief of Police from March of 2000 until May of 2009, when he was appointed Chief. Because of his involvement in policing issues at a national level, in 2014 President Barack Obama appointed him to the President's Task Force on 21st Century Policing. In 2015, he was appointed to both the Department of Homeland Security Committee on Ethics and Integrity for Customs and Border Patrol, and the Arizona Criminal Justice Commission.

James McShane - Team Lead: Community/Student Engagement, Problem-Oriented Policing, Campus Crime Prevention Tools



Chief McShane served as the team lead in the review of (1) Community Engagement, Community-Oriented Policing, and Student Engagement; (2) Problem Solving, Problem-Oriented Policing, and Use of the SARA Model; and (3) Crime Prevention Tools, Practices, and Strategies. A 24-year veteran of the NYPD, Chief McShane began his career on patrol in the 52nd Precinct, eventually becoming the Commanding Officer of the Traffic Control Division. During this time, Chief McShane also received his Masters of Public Administration from Harvard University and his Juris Doctor from St. John's University School of Law. His career in campus policing began in January of 2004 when he joined the Department of Public Safety at Columbia University. Chief McShane is responsible for all elements of security and public safety at the three campuses of Columbia University, which house a total of 23,000 students, and is located in Upper Manhattan. He oversees all uniformed operations and investigations, and is responsible for security technology and access control. He commands a security force of more than 150 proprietary uniformed personnel and 200 contract guards, as well as a supervisory, investigative, and administrative team of fifty personnel.

Joan Brody - Coordinator/Report Specialist



Joan Brody served as a writer for the Review. Ms. Brody works with government and non-profit agencies on strategic planning and organizational assessment projects. Ms. Brody has also worked on project coordination tasks as well as writing and editing reports and policies and procedures manuals with parties involved in federal investigations and consent decrees. Ms. Brody has worked during the past 30 years with governors, mayors, police chiefs, sheriffs, district attorneys and other government and non-profit organization leaders. In 2008, she worked with William Bratton's consulting group on the University of Chicago Safety and Security Enhancement Project to conduct an assessment of the cam-

pus police department. She also has worked on similar projects for Brown University and the University of Southern California.



Elizabeth Carreño - Team Assistant on Several Areas of The Review

Elizabeth Carreño provided assistance to the team leads in the Review. Ms Carreño has been a member of the USC Department of Public Safety, and currently serves as its Community Relations Manager, where she supervises student workers assigned to the Community Relations Office, as well as overseeing media relations and media operations. Prior to this she served as a Community Relations Officer, where she was involved in both event planning and educating students and the USC community about the resources afforded to them through the University. Ms. Carreño received her Bachelors of Science Degree in Criminal Justice from California State University in California.

VIII. Substantive Areas of Inquiry

Our findings and recommendations relative to each of the substantive areas of inquiry contained in the RFP are detailed below. For the purposes of this report, we have reordered the areas of inquiry from the order presented in the RFP, and have collapsed the three areas involving community engagement, problem oriented policing, and crime prevention into one section.

A. Review of Pedestrian Stops and Traffic Stops

Introduction

Perhaps nothing is more central to the questions raised after the shooting death of Samuel DuBose than the efficacy and appropriateness of UCPD conducting on and off-campus vehicle stops as a crime reduction tool. Vehicle stops conducted within the bounds of applicable law have traditionally been utilized by police departments around the country not only for the promotion of traffic safety but also as a proactive method of crime fighting. Similarly, pedestrian stops have been used as a crime fighting tool. While potentially a valuable tool when used appropriately with proper supervision, the efficacy of vehicle and pedestrian stops as a crime fighting tool has, in some instances, come under criticism and has led to charges and, in at least one case, a judicial determination, of unconstitutional biased policing.¹⁴ Further, such tactics have been viewed by some as “over-policing” that, when conducted in disadvantaged high-crime minority neighborhoods, leads to the arrests and convictions of residents of those neighborhoods for minor crimes that are committed in equal numbers in more-affluent, non-disadvantaged white neighborhoods.

From a best practices point of view, it is therefore essential, in order to ensure that traffic and pedestrian stops are being conducted constitutionally, that relevant data is collected, aggregated, and analyzed, and that appropriate field supervision is in place, before utilization of such stops as a crime fighting tool is considered. Even then, given the mission of the UCPD, the use of traffic stops as a method to fight crime is questionable, at best.

Some level of off-campus traffic stops have been occurring at UC since at least 1989, when the University and City first

¹⁴ See Floyd v The City of New York, 959 F. Supp. 2D 540. Specifically, in order to prohibit discriminatory conduct on the basis of race, color, ethnicity, national origin, gender, sexual orientation, or disability in the conduct of law enforcement activities, UCPD must by policy and supervision require that all stops and detentions, and activities following stops or detentions, by the UCPD be on the basis of legitimate, articulable reasons consistent with the standards of reasonable suspicion or probable cause. Race, color, ethnicity, or national origin may simply not be used in conducting stops or detentions, or activities following stops or detentions, except when officers are seeking one or more specific persons who have been identified or described in part by their engaging in appropriate suspect-specific activity to identify a particular person or group.

entered into a Mutual Aid agreement by MOU. That MOU was most recently renewed in 2010.¹⁵ In November of 2014, however, the then-newly installed Chief began placing an unprecedented emphasis on traffic stops as a crime fighting tool.

In August of 2015, in response to the shooting of Samuel DuBose, UC, through the newly appointed Vice President for Safety and Reform, collected, analyzed, and released to the public, information regarding the number of stops that had historically been conducted along with the race of those being stopped. This data, previously available, but neither aggregated nor analyzed by UCPD, showed that for the one year period prior to the arrival of Chief Goodrich, stops were averaging 86.5 per month; subsequent to his arrival, stops were averaging 271.5 per month, a more than three-fold increase.¹⁶ In fact, during the two months prior to the shooting death of Samuel DuBose, stops averaged an all-time high of 412 per month, an almost five-fold increase over the average before Chief Goodrich's arrival.¹⁷ The undertaking of such a significant increase in traffic stops, coupled with the lack of data aggregation and analysis as well as the relative lack of field supervision and training, was, simply put, a recipe for disaster.

In fact, had the data been reviewed by the UCPD hierarchy, it would have shown that Officer Raymond Tensing, the officer involved in, and indicted for, the Samuel DuBose shooting, led the department not only in the number of stops and citations, but also in the racial disparity among those being stopped.¹⁸ It would also have shown that vehicle pursuits had risen significantly with all of the concomitant dangers involved in such pursuits. Interestingly, however, while one might have expected an increase in civilian complaints as a result of the increased activity, the records maintained show no such increase. Whether this is a result of a poor complaint process or a testament to the way in which UCPD officers generally conducted themselves during traffic stops is unclear.¹⁹

Following the shooting of Samuel DuBose, the City of Cincinnati issued an Ordinance²⁰ seeking to revoke the traffic

¹⁵ See footnote 3.

¹⁶ Covering the period of time from July 2013 through October 2014 versus November 2014 through June 2015 as compiled by UC.

¹⁷ Covering the period of May and June 2015 as compiled by UC.

¹⁸ These facts cannot, and should not be used to draw any conclusions relative to Officer Tensing's criminal or administrative responsibility in connection with the Samuel DuBose shooting.

¹⁹ The infirmities of the complaint process are dealt with elsewhere in this report.

²⁰ Ordinance 264, Issued August 5, 2015.

enforcement terms of the MOU of 2010.²¹ UCPD has been operating under the intent of that Ordinance and has essentially ceased all voluntary traffic stops off campus. While effectively stripped of its off-campus traffic enforcement power, UCPD has been left with all other police powers off-campus, including the ability to make misdemeanor and felony arrests and to issue citations for lesser, non-traffic, offenses. Interestingly, since the inception of the order in August of 2015, and a near-cessation of off-campus stops, off-campus crime has continued to fall.

Also, in response to the shooting, the University and UCPD took a number of steps in order to get systems into place that would allow for the appropriate collection and analysis of data relative to vehicle and pedestrian stops. Specifically, the department created a new Field Contact Card, replacing an inadequate prior form, and brought UCPD stop data into a database previously being developed under contract with UCPD by UC's Institute of Crime Science ("ICS").

The scope of this section is limited to providing findings and recommendations relative to vehicle and pedestrian stops engaged in by UCPD, and by extension some related issues involving biased policing. Excluded from the scope of this section is any determination as to whether biased policing was, in fact, being engaged in by any UCPD officers. While the disparity in race of those stopped by some officers is striking, for most officers the disparity was not as alarming. Determining whether the disparity, even where particularly striking, was the result of racial profiling or otherwise unconstitutional behavior on the part of UCPD officers, is difficult, at best, to do, and beyond the scope of this assessment. We can say, however, that our review did not uncover any indication that racial profiling, as such, was affirmatively promoted or suggested. That being said, we did find that the UCPD top leadership was willfully blind to the disparities of some officers and, by extension, indifferent to the potential existence of biased policing for which the disparity would have been a leading indicator.

Findings and Recommendations

Finding 1: Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

²¹ There is a question as to whether the City Manager took the steps necessary to effectuate the Ordinance and revise the MOU of 2010 in accordance with its terms.

Recommendation 1A: Traffic and pedestrian stops should not be used by UCPD as a crime fighting tool. The potential benefit of such aggressive tactics in terms of crime reduction in the UC setting is modest at best and clearly outweighed by the negative perception of and feelings toward UCPD engendered by such tactics. Clear guidance by policy and procedure should be given as to how traffic stops should be conducted and when, if ever, off-campus traffic stops are permissible.

Recommendation 1B: Involuntary off-campus pedestrian and traffic stops should only be allowed when the officers possess reasonable suspicion to believe that a pedestrian or motorist is engaged in a criminal, non-driving offense.

Recommendation 1C: To the extent that that UCPD continues to make involuntary off-campus stops, the Office of Safety and Reform, must ensure that such stops are consistent with policy and must continue the collection, aggregation, and analysis of all relevant stop data. Regular meetings should be held among the Office of Safety and Reform, the Chief of Police, and the Director of Public Safety in which the analysis of such data is reviewed to determine whether there exist outlying officers in terms of number of vehicle and pedestrian stops or in terms of any racial disparities among those stopped.

Recommendation 1D: The University should consider equipping officers with tablets which among other things would enable the electronic capture of stop data through an electronic version of the Field Contact Card. The many other benefits of a mobility platform are discussed elsewhere in this report.

Recommendation 1E: Enhanced training should be given to officers on the risks and inherent dangers of traffic stops including appropriately dealing with individuals who are stopped.

Finding 2: UCPD did not, until very recently, have a policy on biased policing. Its new policy has not been fully implemented.

Recommendation 2A: UCPD should continue its full implementation of the recently enacted policy on biased policing. The implementation should include training and should ensure that UCPD officers not use

race, color, ethnicity, or national origin, to any extent or degree, in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or group. The training and implementation should further ensure that even when UCPD officers are seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, or national origin, they may rely in part on race, color, ethnicity, or national origin only in combination with other appropriate identifying factors and may not give race, color, ethnicity, or national origin undue weight.²²

Recommendation 2B: UCPD's training on the biased policing policy should include training on implicit bias and such training shall be delivered both to new and existing members of the department. In-service training on the topic shall be developed and delivered annually.²³

Finding 3: UCPD does not have a protocol for investigating complaints of biased policing.

Recommendation 3A: UCPD should develop and implement a protocol for the investigation of complaints of biased policing.

Recommendation 3B: UCPD should train any officers conducting investigations of complaints of biased policing on the protocol to be employed in such investigations.

Recommendation 3C: The Office of Safety and Reform should audit all investigations of complaints of biased policing to ensure that they are being conducted in accordance with established protocols for such investigations.

Finding 4: Both pedestrian and traffic stops have been anecdotally reported on occasion to be over-staffed, with multiple cars and officers responding to otherwise routine stops, which some members of the community described as giving them the impression that they were living in a police state.

Recommendation 4A: While officer safety must al-

²² UCPD is in the process of implementing a policy that is the result of training received in 2015 on fair and impartial policing.

²³ Following the shooting death of Samuel DuBose, UC and UCPD secured training in "Fair and Impartial Policing" from renowned expert Lorie Fridell. This was an important first step in combating implicit bias.

ways be a paramount consideration, the Office of Safety and Reform and UCPD should determine appropriate levels of response and enforce strategies, including polite explanation, to combat the negative perception created by enhanced response levels.

Conclusion

Traffic and pedestrian stops carry inherent risks not only for the police officers conducting such stops, but also for police departments that are not attuned to the reputational and community-relations risks involved in decisions of how aggressively, if at all, to utilize such stops as a crime-fighting tool. The risks are significantly exacerbated when there are inadequate controls in place to monitor the activities of officers and a lack of adequate field supervision to ensure that any such activities are being performed in a constitutionally permissible manner. Even when such prophylactics are in place, the risk-reward quotient must be examined in the context of the mission of the department. Such examination in the case of UCPD leads to the conclusion that the undertaking of aggressive crime-fighting vehicle stops without any of the checks necessary to ensure constitutional un-biased policing, was a significant mistake. The recommendations made herein are designed to ensure that such a mistake does not occur in the future.

B. Review of Use of Force

Introduction

The use of deadly force against another person is the most serious act a police officer can take, and the degree of accountability of police departments for their uses of force, especially deadly force, is, perhaps, the greatest challenge facing law enforcement today. Accountability, in the context of use of force, has four essential pillars, the first of which is ensuring that appropriate policies and procedures governing the use of force are in place and comport with best practice. The second pillar requires these best practices to be imparted to every officer through extensive and appropriate training that best ensures that force will only be used when, and to the extent, necessary. The third pillar requires that each use of deadly force carries with it an impartial review as to whether that use of force comported with applicable policies and procedures. The last pillar requires that any use of force that is determined to be out of policy, must be remediated through appropriate re-training and/or discipline, up to, and including, termination. It is only through the conscientious application of these four pillars that police departments can hope to garner the trust of the communities they serve. Without trust, police agencies will lack the legitimacy so es-

sential for effective law enforcement.

In short, the public needs confidence that their police department values the life of each of its residents equally, will use deadly force only as a last option, and that if deadly force is ever misused that the system, both administrative and criminal, will deal with the transgression appropriately under the circumstances. In order to instill this confidence, each of the four pillars as they currently stand at UC will need to be reformed.

Exiger has conducted a review of both UCPD's current and prior use of force practices. In performing this review, Exiger has reviewed the relevant historical data, has conducted interviews and has reviewed relevant UCPD Policies and Procedures, Practices, Training, and Data. The intent was to arrive at findings and recommendations regarding the UCPD's use of force policies and practices, and relate these recommendations to the overall mission and goals of the UCPD, and to help the UCPD rebuild trust with the community.

Findings and Recommendations

Finding 1: UCPD's Standard Operating Procedures (SOP) on Use of Firearms and Deadly Force (SOP 1.3.200) and Less Lethal Uses of Force (SOP 1.3.400) are insufficient. These procedures do not reflect current best practices and lack clarity regarding the circumstances under which the use of force is authorized.

Recommendation 1A: UCPD should combine SOP 1.3.200 and SOP 1.3.400 with its policies and procedures regarding Use of Force (SOP PE 05). This single Use of Force policy should cover both when force is permitted to be used as well as the resulting departmental investigation and review process.

Recommendation 1B: UCPD's new use of force policy should emphasize the following:

- a. The primary duty of all sworn personnel is to preserve human life and that whenever possible, de-escalation techniques shall be employed to safely gain voluntary compliance by a subject.
- b. In cases in which de-escalation is not safe, not feasible or not effective, only the reasonable force necessary to gain compliance, control or custody of a subject will be utilized.
- c. The most serious act in which a police officer can engage during the course of their

official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility.

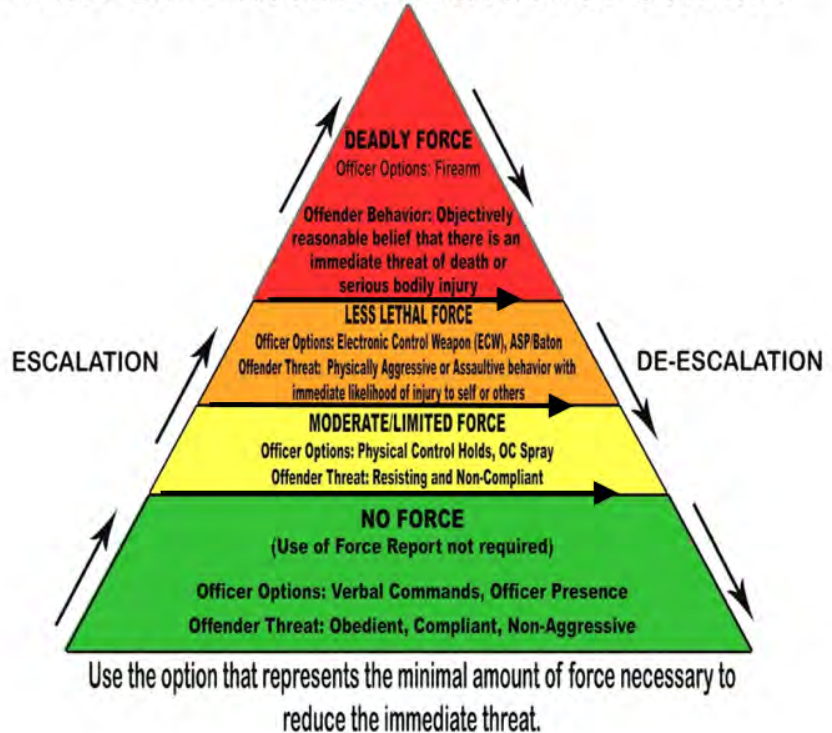
- d. Deadly physical force will be used ONLY as an objectively reasonable last resort to protect the officer and/or others from serious physical injury or death.
- e. An officer is not justified in using deadly force at any point in time when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point in time.
- f. When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force.
- g. Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger bystanders.
- h. Officers should be mindful when making use of force decisions that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.
- i. After using deadly force, officers shall immediately render the appropriate medical aid and request further medical assistance for the subject.
- j. In instances of obvious fatalities, appropriate respect shall be paid to the remains of the subject.
- k. Officers who witness inappropriate or excessive force have a duty to report such violations to a supervisor and Internal Affairs.

Recommendation 1C: UCPD's use of force policy should define the following terms: Objectively Reasonable, Active Resistance, Passive Resistance, and Serious Bodily Injury.

Recommendation 1D: The UCPD should include a revised use of force continuum or critical decision making model in its use of force policy, which makes clear that the goal of force is to de-escalate any situation, and that only the minimal amount of force necessary should be used to overcome an immediate threat or to

effectuate an arrest. A chart showing an appropriate force continuum appears below:

USE OF FORCE DECISION CHART



Finding 2: UCPD's current use of force policies fail to list specific prohibitions relative to the use of deadly force by a sworn member of UCPD.

Recommendation 2A: The following prohibitions should be added to the revised SOP:

- Police officers shall not draw their firearms unless they reasonably believe there to be an immediate threat of serious bodily injury or death to themselves or another person.
- Police officers shall not discharge their firearms in defense of property.
- Police officers shall not use a firearm as a club.
- Police officers shall not fire warning shots under any circumstances.
- Police officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to withdraw, take cover or reposition, rather than the immedi-

- ate use of force.
- f. Police officers shall not discharge their firearms to subdue a fleeing individual who presents no immediate threat of death or serious physical injury to another person.
 - g. Police officers shall not discharge their firearms to subdue an individual who poses a threat only to him or herself.
 - h. Police officers shall not discharge their firearms from a moving vehicle unless the officers are being fired upon. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.
 - i. Police officers shall not discharge their firearms at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle (e.g., officers or civilians are being fired upon by the occupants of the vehicle).
 - j. A moving vehicle alone shall not presumptively constitute a threat that justifies an officer's use of deadly force.
 - k. Officers should not move into or remain in the path of a moving vehicle, and doing so is not justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle.
 - l. Officers should never place themselves or another person in jeopardy in an attempt to stop a vehicle.
 - m. Barring exigent circumstances, (e.g., the driver is unconscious and the motor is still running), an officer shall never reach into an occupied vehicle in an attempt to shut off the engine or to recover evidence.
 - n. Police officers with revolvers shall not under any circumstances cock a firearm. Firearms must be fired double-action at all times.

Finding 3: UCPD does not have a clear policy statement governing the use of less lethal weapons.

Recommendation 3A: A clear policy statement governing the use of less-lethal weapons should be included in the revised use of force policy.

Recommendation 3B: The following definitions should be included in the revised policy to further enhance clarity: Arcing, Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, and Spark Test.

Recommendation 3C: A clear policy statement governing the use of Conducted Energy Devices (CEDs) should be included in the revised use of less-lethal weapons policy, and should include the following:

- a. A CED is classified as a less-lethal device. A CED is intended to provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject or as an alternative to deadly physical force where it would be otherwise legally permissible.
- b. A CED should only be used against persons who are actively physically resisting, exhibiting active physical aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present.
- c. A CED should only be used in situations that allow for the use of physical force.
- d. Officers should issue an appropriate warning, consistent with personal safety, to the intended subject and other officers present prior to discharging the CED.
- e. When a CED is used against a subject it shall be for one standard discharge cycle, after which the officer should reassess the situation. Only the minimum number of cycles necessary should be used.
- f. When practical, the CED should be discharged at the subject's back, and avoid discharging it at an individual's head, neck, and chest.
- g. When possible, the CED should not be used on children, the elderly, obviously pregnant females, or against subjects operating or riding on any moving device or vehicle.

Finding 4: UCPD Directive PE 05 addresses the use of a device called a Kubotan.

Recommendation 4A: UCPD should consider banning the use of the Kubotan. Given the range of other less lethal options, the use of this somewhat obscure de-

vice is not necessary for UCPD.

Finding 5: There is currently no process in place to collect data relative to UCPD officers use of force in a consistent and timely manner.

Recommendation 5A: UCPD should establish a system for the collection, storage and retrieval of data regarding uses of force by members of the UCPD.

Recommendation 5B: UCPD should, to the extent possible, integrate such data into ARMS.

Finding 6: UCPD lacks a clearly defined method of investigating uses of force by its members.

Recommendation 6A: UCPD should establish a protocol for the timely review of every use of force to determine the appropriateness of such use of force from an administrative point of view and whether or not further investigation, including potential criminal investigation, or discipline is appropriate.

Recommendation 6B: Investigators assigned to investigate police uses of force should receive specialized training to ensure they understand UCPD policies and procedures and are capable of conducting thorough unbiased investigations.

Recommendation 6C: UCPD should engage an independent consultant to conduct any administrative investigation in cases of use of force resulting in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.

Recommendation 6D: UCPD should allow CPD, or other appropriate state agency, to conduct any criminal investigation in cases of use of force resulting in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.

Recommendation 6E: The identity of the officer(s) directly involved in the discharge of a firearm shall be released to the public within 72 hours except in cases where threats have been made toward the officer(s) involved or the department.

Recommendation 6F: UCPD should create a Use of Force Review Board (UFRB) to review all cases where members used deadly force or deployed a CED, or any incident that results in serious injury or death.

Cases for review will be presented by the Internal Affairs investigator or appropriate investigator from the Cincinnati Police Department who handled the case.

Recommendation 6G: The UFRB should be comprised of, at minimum, a high ranking member of UCPD appointed by the Chief of Police, a member appointed by the President of the University, a member of the student body, a patrol officer (or union representative), and a member of the neighboring University of Cincinnati community. The UFRB will (1) review investigative findings of cases involving designated uses of force by UCPD officers, whether or not an injury occurs; (2) make recommendations regarding disciplinary action or additional training of officers (the UCPD Chief should have the final determination of what discipline, if any, should be imposed); (3) make recommendations regarding any changes to use of force policy or training; and (4) create an annual report that contains an analysis of UCPD use of force data, that is disseminated internally and publicly.

Recommendation 6H: UCPD should make the findings of an Officer Involved Shooting (OIS) public upon completion of the investigation.

Finding 7: UCPD's current training on use of force is insufficient and inconsistent with the new standards created by the Ohio Collaborative Community Police Advisory Board.

Recommendation 7A: The UCPD should establish training to ensure all members of the department have a thorough understanding of the use of force policies and procedures.

Finding 8: UCPD does not currently employ realistic, scenario-based training.²⁴

Recommendation 8A: Training for sworn personnel should be held twice annually to include live fire exercises and Reality Based Training (RBT). All training should emphasize de-escalation and sanctity of life.

Recommendation 8B: Crisis Intervention Team Training (CIT) should be a part of both basic recruit and in-service officer training.

²⁴ UC is currently in the process of purchasing a product to address this.

Conclusion

While the adoption of these recommendations will, along with other recommendations contained in this report, go a long way to reduce the unnecessary use of force, and thus build trust in the community, there can be no guarantee that despite best efforts, uses of deadly physical force will not occur. The hope is that if such uses of force do occur, the public believes that systems are in place to fairly and appropriately determine whether that use of force was justified and, when not, that the system will deal appropriately with the transgressor.

C. Review of Policies and Procedures

Introduction

Written policies and procedures define the roles and responsibilities of any police department and provide operating guidelines for the department's personnel. They inform personnel of what is expected of them and provide a basis for a disciplinary process dealing with transgressions of the rules. UCPD policies and procedures should be under continuous review by the Department and appropriate university staff, in order to ensure that they continue to represent best practice.

Over the course of February, March, and April of 2016, Exiger conducted a thorough examination of UCPD's policies and procedures. As a result, Exiger has made a series of findings and recommendations detailed in this section.

Exiger found that well before the arrival of our team, UCPD had recognized the need to revise and put greater control and emphasis on its policies and procedures. To this end, UCPD implemented a new electronic document management software system (PowerDMS) and in October 2015, hired an experienced manager as the new Organization Development Coordinator (Coordinator) to oversee the policy software system and to assist the Department with organizing and structuring their policies and procedures. According to our interview with the new Coordinator, this position is a direct report to the Chief of the UCPD, and geared to assist in the following areas:

- 1) Accreditation programming – as a primary function, leading the agency in acquiring accreditation. The Coordinator made a recommendation to the former Chief to enroll in CALEA accreditation process by paying the initial fee for the self-assessment three-year period. UCPD has not committed any funding as of the date of this report.

- 2) Policy development – assisting a team in developing policies and procedures.
- 3) Training development – assisting the department by working with others in developing career and promotional tracks.
- 4) Strategic planning – assisting with goals development and research.

These are critical tasks, and challenging ones. Shepherding a department through an accreditation process is, by itself, an arduous process requiring a significant amount of effort. However, as of the end of March of 2016, the Coordinator still did not have any additional staff to assist him in carrying out his mandate. Since his hiring, the Coordinator has been managing the new software system, and adjusting and revising several policies without any assistance.

The Exiger team reviewed policies and procedures from UCPD's PowerDMS SOP, which we understand to be the policies from which UCPD is currently operating. These policies are derived from an older CALEA model and indeed appear to have been adopted piecemeal without re-numbering the policies. The result not only is an inexplicable numbering system, but an indication to the reader of a lack of real understanding as to the import of the document. Not surprisingly given their genesis, most of the UCPD's policies reviewed did meet a best practice standard. There are several areas, however, that need improvements.

UCPD must customize its policies so that they are consistent with the university defined mission and the most modern thinking in policing today. In our review, we focused on high risk areas for campus law enforcement and assessed whether they were consistent with best practices in the profession. Note that the findings and recommendations directly related to subject matter areas that are covered in other sections of this report are not discussed below. For example, detailed findings and recommendations on Policies and Procedures related to Hiring, Traffic Stops, Use of Force, and Mental Health are discussed in great detail in other sections.

Findings and Recommendations

Finding 1: UCPD lacks an effective process for developing and managing new policies and procedures, and reviewing and updating existing ones.

Recommendation 1A: UCPD should update its policies and procedures to reflect campus law enforcement best practices, and assign ongoing responsibility for ensuring that they are kept current.

Recommendation 1B: UCPD should establish a policy and procedure review committee consisting of a cross section of the UCPD and appropriate University resources to assist in updating and developing critical policies and procedures.

Recommendation 1C: Working with the newly hired Organization Development Coordinator, UCPD should fully implement the electronic document management software system which it has recently begun utilizing.

Recommendation 1D: The Coordinator should be provided with the resources and support necessary to meet the requirements of his position (clerical, special assignment from patrol, etc.), and to implement a critical but challenging agenda.

Recommendation 1E: UCPD should establish a procedure for the review of its policies and procedures by appropriate UC personnel including the Vice President for Safety and Reform, and the General Counsel or his/her designee.

Finding 2: Many of UCPD's policies and procedures are based on CALEA standards, and were adopted without being tailored to the specific needs of the UCPD.

Recommendation 2A: UCPD should establish adequate and consistent policies and procedures in several key critical areas including officer supervision and accountability, department transparency, effective diversity recruitment, and essential goal setting to develop community trust and partnership.

Finding 3: UCPD's policy on Field Interrogations (SOP 41.2.300) does not properly articulate the Constitutional basis for initiating field encounters.

Recommendation 3A: This policy should be rewritten to articulate the basic tenets of Constitutional policing, including that stops be based upon probable cause and reasonable suspicion criteria.

Recommendation 3B: UCPD should remove problematic verbiage such as "Persons not fitting the place, time or area."

Recommendation 3C: The procedure on when an officer can conduct a "pat down" for officer safety needs clarification.

Finding 4: UCPD's Trespass Warning (SOP 1.2.500) does not properly articulate the Constitutional basis for initiating trespass encounters.

Recommendation 4A: The warning should articulate tenets of Constitutional policing as the basis for initiating trespassing encounters and clearly articulate probable cause and reasonable suspicion.

Recommendation 4B: The policy should be revised, including the clarification of seemingly contradictory language suggesting both that UC is "public property," yet, "under the laws of Ohio, UC has the right to forbid a person to come onto this property."

Finding 5: UCPD's Collateral (Off-Duty) Employment policy (SOP 22.3.400) is incomplete and is not consistent with best practices.

Recommendation 5A: UCPD should consider limiting the number of off-duty hours officers can work to 20-30 hours in addition to their normal work week.

Recommendation 5B: UCPD should require that it approve any collateral employment to prevent conflict of interests between the primary employer and the agency hiring the officer for the off-duty employment.

Finding 6: UCPD's Bicycle Assignment & Maintenance policy (SOP 41.1.401), which allows officers to deploy bikes for both patrol and general transportation, is not consistent with best practices.

Recommendation 6A: UCPD should require that officers complete a police/public safety officers' bike course, and receive a certification prior to being allowed to deploy on a bicycle.

Finding 7: UCPD's policy on Unlawful Assemblies (SOP 46.1.300) addresses labor protests but does not address potentially unlawful student assemblies.

Recommendation 7A: This policy should include a section that addresses when student assemblies can and/or should be deemed unlawful.

Finding 8: UCPD's policy on Plain Clothes Detail (SOP 41.2.109), which addresses one of the most dangerous areas in law enforcement, is not detailed enough and is not consistent with best practices.

Recommendation 8A: UCPD should rewrite the policy to address issues such as supervisory oversight, notification protocols (UCPD and CPD), when plain clothes details may be utilized and collateral issues to plain clothes deployment.

Finding 9: UCPD's policy on Use and Control of Confidential Informants (SOP 42.2.900) is not consistent with best practices, and requires more inquiry.

Recommendation 9A: UCPD should, because of risk and perceptual concerns, consider prohibiting the use of Confidential Informants (CIs) except in extraordinary circumstances with clearance at the University reporting level.

Finding 10: UCPD's policy on Gangs (SOP 43.1.100) does not contain a number of crucial definitions and is not consistent with best practices.

Recommendation 10A: This policy should be rewritten to focus on what specific behaviors constitute a constitutional stop or other law enforcement encounter with a gang member, and to clarify what constitutes gang activity, and how an individual becomes classified as a known gang member.

Finding 11: UCPD's Active Shooter policy (SOP 46.1.10) is very general in its scope and not consistent with best practices.

Recommendation 11A: This policy should be revised so that the section on tactical responses is consistent with Multi-Assault Counter-Terrorism Capability (MACTAC).

Finding 12: UCPD's Bomb Threats policy (SOP 46.1.600) is not aligned with the current realities of today's terrorist bombers.

Recommendation 12A: UCPD should update this policy to incorporate the likely motivations of modern bomb threat callers and to ensure alignment with current realities of today's domestic and foreign terrorist bombers.

Finding 13: UCPD has historically made Clery²⁵ notifications for non-Clery-reportable off-campus crimes.

Recommendation 13A: UCPD should only make Clery notifications for reportable Clery incidents. Other crime data should be made available on the University's website.

Finding 14: UCPD does not currently have a dedicated Emergency Operations Center (EOC).

Recommendation 14A: UCPD, working with the Director of Emergency Management, should build out a dedicated EOC, designed to facilitate planning and response to both planned and unplanned campus events in coordination with other federal, state and local agencies.

Conclusion

By reviewing and revising current policies and procedures, and putting in place a system for ongoing quality control, UCPD can ensure that it has an operating framework which is consistent with best practices for campus law enforcement while meeting the specific needs of this Department.

D. Review of Officer Recruitment, Hiring, Promotion, and Retention

Introduction

Any assessment of a police force's effectiveness must include a discussion of who the police are and how they were recruited, selected, promoted, and retained with a special attention to the issue of diversity. Diversity alone will not address the concerns of fair and impartial policing. However, having a police force that reflects the demographics of the population it serves will increase trust between the police department and the people it serves.

Unfortunately, for a variety of reasons, the UCPD force does not reflect the demographics of either the University community or its surrounding community. That being said, the new leadership of the Department has made a commitment to have its force better reflect the diversity of local demographics. When achieved, a more diverse Department will

²⁵ The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, signed in 1990, is a federal statute codified at [20 U.S.C. Sec 1092\(f\)](#), with implementing regulations in the [U.S. Code of Federal Regulations at 34 C.F.R. 668.46](#). The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education, which can impose civil penalties up to \$35,000 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

accomplish several goals:

- increase trust between the community and the Department, and thus potentially ease any tensions caused from prior police-citizen encounters;
- produce a greater willingness by victims to report incidents and cooperate with the police in investigations;
- start building a police culture open to differences and more receptive to change; and
- open the pathway to a career and a decent income that was once closed for some.

It is for these reasons that the UCPD must recruit, hire, promote, and retain a more diverse workforce of both sworn and unsworn staff. Contained in this section are the findings on UCPD's current practices and recommendations to improve recruitment, hiring and promotion of diverse candidates.

As of April 1, 2016 the UCPD had an authorized strength of 74 sworn members. There is only one non-white officer, a male black patrol officer. Only eight of the 74 members are females. All sworn command ranks, lieutenants and higher, are filled by white males.

UCPD expanded its force through a hiring campaign that started in April 2014. By June 2014, 11 officers were hired, 11 more were added in September of 2014, and another 12 were hired in February 2015. This hiring campaign did not increase the number of non-whites on the UCPD. In fact, during this same time period UCPD lost three non-white officers resulting in smaller numbers in the non-white category in 2016 (2 non-white officers)²⁶ than in 2013 (5 non-white officers).

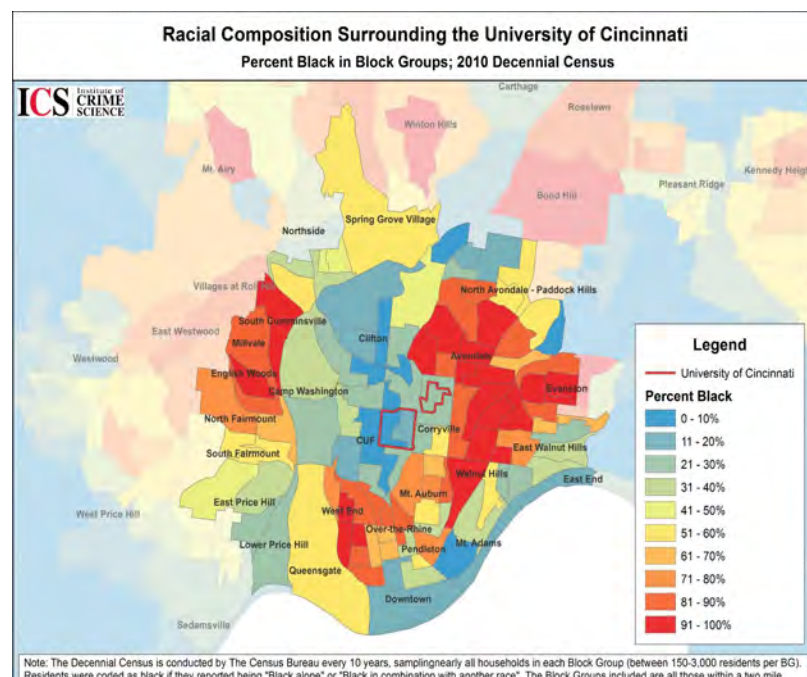
A baseline often used to determine if a police department's diversity is acceptable is comparing it to the demographics of the population it serves. The table below provides the demographics of the city of Cincinnati, the neighborhoods where UCPD patrols, the undergraduate student body at the University of Cincinnati, and the faculty at the University.

²⁶ One of the two non-white sworn members of the Department, a Captain, resigned during the pendency of Exiger's assignment in order to become the Chief of another university police department.

AREA	DEMOGRAPHICS OF AREA BY PERCENTAGE		
	White	Black	Other
UCPD	97.0%	1.5%	1.5%
University Students	68.9%	8.4%	22.7%
University Faculty	71.6%	15.2%	13.2%
Clifton	72.1%	16.8%	11.1%
CUF	73.6%	14.9%	11.5%
Avondale	7.5%	91.1%	1.4%
Corryville	49.1%	36.1%	14.8%
Mt Auburn	29.6%	65.9%	4.5%

Table 1: Percentage of Racial Population by Area.

The map below also illustrates the racial make-up of the areas surrounding the University. Although there is not agreement as to what extent a police department should reflect the community it serves, certainly UCPD's demographic makeup must become more diverse. The demographics of UCPD at 97 percent white do not adequately reflect the demographics of the population it serves.



In an attempt to understand what led to the lack of diversity at UCPD, Exiger examined a review of UCPD 2014-2015 Hiring Process,²⁷ including the job-advertising sources that were used in the last three hiring efforts. To determine the impact of the various advertising methods, the Exiger Team examined aggregate data from each of the three hiring waves. The results are shown in the table below.

²⁷ Review of UCPD 2014-2015 Hiring Process. Robin S. Engel, Ph.D. (2016).

Hiring Wave	Number of Applicants	Percent of White, Male Applicants	Number of Days Posted	Number of Applicants / per Day
1	95	71%	16	6
2	159	78%	23	7
3	99	68%	14	7

Table 2: Effectiveness of Each Hiring Wave

The first hiring wave used CareerBuilder, Cincinnati Herald, and Ohio Association of Chiefs of Police Web Site. The announcement was opened for sixteen days resulting in 95 applicants. Wave 2 produced 159 applicants but it was open for twenty-three days. A ratio of the number of applicants per day was calculated to produce a standardized measure. The first wave produced six applicants per day compared to seven produced in waves 2 and 3. Another measure is the percentage of white, male applicants. Wave 2 produced the highest percentage of white males at 78 percent compared to Wave 3 with 68 percent. It is difficult to draw clean conclusions based on the aggregate data examined but it does suggest that the use of CareerBuilder did add to greater diversity.

Poor record keeping makes it difficult to determine potential problematic approaches and barriers associated with the current policy, beyond the now eliminated academy pre-certification requirement discussed below. According to UCPD, data collected at each stage of the process is limited.

In any event, only 9.6% of the 353 applicants during the 2014 and 2015 hiring waves were recommended for hire. The outcome by race is noteworthy. 32 (12%) of the 274 white applicants were recommended for hire as compared to only two of the 48 black applicants (4.2%). None of the 18 applicants from the 'other' races category were recommended for hiring.

The hiring process reduces the pool of eligible candidates. Our research found that just over 67%²⁸ of applicants, 239 in total, met the minimum qualifications. The minimum qualifications were: (1) being OPOTC Certified; (2) being 21 years of age or older; and (3) having a valid Ohio driver's license. Meeting these minimum qualifications allowed the candidate to move on to the next stage of the process. It was at the next stage that a further reduction of candidates occurred. The next round of the hiring process had additional require-

²⁸ Of the 353 applicants, Human Resources at UC determined that 114 did not meet the minimum requirements yielding a 67.7% qualifying rate. This held true for both black and white applicants; for other non-white candidates the figure was 58%.

ments, including passing: (1) a physical agility test; (2) a written test; (3) a background investigation (criminal and traffic background record check and references); (4) a polygraph; (5) a psychological exam; and (6) a formal interview.²⁹ Failure to pass any of these additional tests eliminated the candidate.

While 37.8% of the white candidates passed the written and agility tests, only 21.2% of the black candidates did so. The data did not differentiate between results for the two tests, however, based on anecdotal information, a larger number of black candidates failed to continue in the process after the two tests.³⁰

74 of the 353 (79 non-white and 274 white) applicants were considered 'eligible' and made it to the interview stage: only six of the 79 (8%) non-white applicants advanced compared with 68 of the 274 (24.8%) white applicants. Of those candidates, three (4.4%) of the white candidates, two of the black candidates and two of the "other" candidates (together 66.6%) dropped out before the interview stage. At the end of the hiring process, only 2 of 79 non-white applicants and 32 of the 274 were recommended for hire. Non-whites had a 97% failure rate compared to an 88% failure rate for white applications.

It is important, going forward, for UCPD to be as granular as possible in understanding the dropout at each stage of the process. Understanding why applicants fail or withdraw will help to target the recruiting process and enable the UCPD to provide support mechanisms for the applicants. For example, suppose that applicants are dropping out because they believe that they cannot pass the agility test; in that case, UCPD can offer free sessions, coaching applicants on the requisite exercises.

Many police agencies are setting up ways to help applicants make their way through the hiring process. This may be something as simple as maintaining contact with the applicant, answering questions, or providing reassurance and suggestions on preparing for the tests and reviews. More and more, agencies are providing information to the applicant about the process and how to prepare. For example, the Philadelphia Police Department has a video about the agility test and how to perform and prepare for the test. They offer

²⁹ Dr. Engel (2016) reports that the background investigation is administered by UCPD investigative lieutenants and includes contacting current and past employers, contacting all references, investigating social media, in-home interview, and other background resources available to the lieutenants. Tri-State Polygraph administered the polygraph exam. Dr. James Daum, a consultant, conducted the psychosocial evaluation.

³⁰ The agility exam is modeled after the OPOTC standards and is administered by the UC Public Safety. See Engel Report, 2016

opportunities for applicants to come out and work with a trainer. The CPD provides a detailed document about their process including how to take the written test. A promising candidate does not have to be excluded from employment because of a deficiency that could be corrected with some work.³¹

Since the 1970s, police departments have used a screening process very similar to UCPD's process. This process is focused more on 'selecting out' candidates as opposed to 'selecting in' candidates. The process is aimed at finding flaws in a candidate that "disqualifies" him/her from continuing on in the hiring process. As community policing became a predominant policing model, some police executives recognized the need for a shift in hiring practices, with a greater emphasis placed on selecting officers with the skills to engage the community in proactive problem solving.³²

As part of this review, and at the request of UCPD, the Exiger team considered a Public Safety Diversity Plan, submitted by Directors Whalen and Baker. The Public Safety Diversity Plan consists of short and long term hiring plans, a recruitment advertising proposal, and an entry level examination proposal.

Importantly, the plan seeks to target recruits from three pools. First, the draft hiring plan outlined recruiting from the diverse pool of UCPD Security Officers. Not only does this provide a career path for security officers, which will help to improve the quality of those positions, it also allows the Department to identify successful police officer candidates from among those security officers whose work ethic and judgment has already been observed and evaluated. Several security officers have completed a police academy and others have expressed interest in going into an academy.

UCPD will use a streamlined version of the hiring process for experienced UCPD Security Officers. The applicant will be exempt from normal qualifying tests given his/her experience and working knowledge. These applicants are still required, however, to have a home interview, polygraph, psychological examination, panel interview, and a final interview with the Director of Public Safety. This streamlined process allows UCPD to bring Security Officers on board more quickly than other applicants.

Second, the Diversity Plan includes recruiting officers from other agencies. The value of hiring experienced officers is obvious. Unfortunately, experience can also bring cynicism

³¹ Albert & Kohlhepp, 2010

³² Wilson, Dalton, Scheer, & Grammich, 2010

and poor work habits. Thus, UCPD must be careful in selecting only those experienced officers possessing the right values and service orientation.

Third, the plan includes relaxing the OPOTC certification requirement for some diverse candidates interested in becoming a police officer and sponsoring them to attend an academy. We understand from the Plan that UCPD has already created an apprentice officer position to hire external candidates who lack certification, and sponsor them to attend an academy full-time.

As part of our review Exiger also examined the UCPD's promotional process. UCPD follows a standard promotional process which is used by the vast majority of police departments, and is illustrated in Figure 3:

FIGURE 3: Promotional Process:



Although, by policy,³³ this process was set for promotion to Lieutenant, this same process was used in the recent promotion of sergeants. The promotional process for the Captain rank used to require a written test, but now consists of panel interviews with members of student safety board, university executives, and UCPD members.

By policy a Notice of Promotional Exam is posted by the Office of Human Resources (OHR) and is distributed by e-mail or posted on electronic bulletin boards for at least ten days, and contains a description of the position including job duties, working hours, special qualifications required, name and rank of supervisor, and location of reporting and working. The FOP contract clearly states that it is the sole right and responsibility of UCPD to develop, administer, and evaluate all promotional examinations, assessments, and testing procedures.³⁴ Examinations are required to be developed by either an independent testing service or OHR.

The FOP contract also details the scoring process to be em-

³³ SOP 34.1.100

³⁴ University of Cincinnati and FOP, Ohio Labor Council, 2014, p. 19

ployed in evaluating candidates for promotion. The written exam is scored with a maximum total of 100 points. College degrees can provide two additional points for an associate degree and five additional points for a bachelor degree. Military credit can provide an additional four points. The candidate must score at least 70% on the written exam to move on to the assessment center phase. The final score is weighted as: written exam, military credit and college credit is worth 20%, the interview is worth 30%, and the assessment center is worth 50%. The promotion selection must be made from the top three employees.³⁵

The weighting of these factors is by design skewed, with the assessment center carrying the greatest weight and when added to the Chief's interview amounting to 80% of the total score. This weighting gives UCPD flexibility in focusing these components on identifying the desired traits in a supervisor, rather than rigidly focusing on an examination.

Exiger also assessed UCPD's ability to retain its employees, and found that UCPD's attrition rate from the period of January 1, 2014 to January 25, 2016 was excessive. There was no information provided that would enable us to make any specific findings regarding the causes of the high attrition rate. However, we can offer some possible explanations for consideration.

A total of 12 officers left UCPD between January 1, 2014 and January 25, 2016.³⁶ This attrition occurred during three hiring waves, which makes determining the denominator of the ratio of attrition to total officers difficult. At a minimum, however, this represents a significant rate of attrition. Turnover is not always a negative as it allows for new people and ideas to enter the department, and can rid the department of poor performers. That being said, there is a cost to turnover and the loss of experienced personnel can adversely affect operations.

As indicated, there has been no reliable data collected relative to employees leaving the Department. Employees also may leave agencies because of organizational dysfunction, poor supervision, and leadership. The high turnover of Chiefs and Interim Chiefs, the lack of first line supervisors, and organizational dysfunction detailed in this report may have all contributed to the high turnover rate for the past few years. Additionally, opportunities for policing in more active municipal environments may also be a factor in the attrition rate for the Department. Going forward, the Department should make every effort to understand the reasons for individuals

³⁵ University of Cincinnati and FOP, Ohio Labor Council, 2014, p. 20

³⁶ Engel, 2016

leaving the Department.

With regard to staffing, of the 74 authorized sworn positions in UCPD, there are 50 Uniform Law Enforcement Officer (ULEO) positions. While a simple analysis of “calls for service” might indicate that a lesser number of sworn officers could suffice, we believe that 74 authorized positions is an appropriate staffing level given the size of the University, the open-campus nature of the university, the satellite facilities requiring police services, the mandate to patrol the off-campus surrounding community, and the specialty assignments that we have recommended in this report.

Lastly, Exiger reviewed compensation for members of the Department. It appears that the salary and benefits package of UCPD is competitive with other agencies at the base salary for police officers, but diminishes in competitiveness at the higher ranks of the Department due to both base pay disparity and overtime eligibility.³⁷

The UCPD has created a career ladder for police officers by establishing ULEO1, ULEO2, and ULEO3. Movement up the ladder requires a minimum time in the prior position plus a set number of training hours above the required training. Once an officer attains the position of ULEO3, he/she must move in rank in order to progress financially. As noted above, UCPD recently added sergeant positions, which offers another rung in the career ladder. One major advantage in terms of compensation is that UCPD also offers tuition reimbursement and remission for spouses, domestic partners, and dependents. Utilized correctly, this generous benefit can provide advantages in recruiting and retention.

Findings and Recommendations

Finding 1: UCPD’s written policies and procedures for hiring do not prioritize the need to establish a police officer candidate pool that is representative of the diverse community it serves.

Recommendation 1A: UCPD should update its hiring policy by requiring a diverse slate of candidates throughout the police officer recruitment process.

Recommendation 1B: UCPD should consider partnering with well-established minority groups who will share and forward the UCPD’s recruitment advertise-

³⁷ The entry salary for a UCPD Law Enforcement Officer Apprentice is \$44,221 and a University Law Enforcement III top salary is \$62,213. This is competitive with the CPD salary range of \$42,572 to \$60,330. With respect to captains, a UCPD captain earns \$81,600 with no overtime allowed versus average earnings of \$112,000 for CPD captains who do earn overtime pay.

ments to a much broader community network.

Finding 2: The absence of a clear UCPD mission and strong employer brand impedes recruitment and hiring efforts.

Recommendation 2A: UCPD should work with their officers, student population, and community members to craft a UCPD mission statement that clearly states the reason that UCPD exists, describes what UCPD does, and reflects its basic philosophy.

Recommendation 2B: UCPD should develop a strong employer brand that will contribute to its becoming the law enforcement employer of choice in Cincinnati and the region.

Finding 3: UCPD's past recruitment efforts have been limited and lacked effective strategies to establish an appropriate officer candidate pool that was representative of the diverse community it serves.

Recommendation 3A: UCPD should expand their search for police officer candidates by partnering with well-established groups to assist with sharing and forwarding the Department's recruitment advertisement to a much broader community network.

Recommendation 3B: In addition to enhancing the all-around recruitment effort, UCPD should target all groups including women, Hispanic, Asian, African American, and LGBTQ both in the community and on campus.

Recommendation 3C: UCPD should increase recruitment efforts among the more diverse pool of UCPD campus security officers and other University employees who serve in different campus departments who have demonstrated commendable performance and good judgment.

Recommendation 3D: UCPD should ensure that recruitment campaigns reflect UCPD's commitment to diversifying the Department and market such values as community engagement, partnerships, and shared responsibility for crime prevention.

Recommendation 3E: UCPD should leverage its family tuition payment program, in an attempt to bring seasoned, diverse, and mission-appropriate candidates into the recruitment mix.

Finding 4: There is an SOP which governs the hiring process for police and security officers but none that covers recruitment.

Recommendation 4A: UCPD should revise and update the Department's current recruitment policy to a true best practice recruitment plan that acknowledges the need for diversity and sets diversity of applicants as a goal.

Finding 5: While the advertising component of the new Diversity Plan appropriately expands on previously limited recruiting efforts and puts forward new approaches that have the potential to expand the diversity of the applicant pool, there are some additional steps that should be considered.

Recommendation 5A: UCPD should explore the adoption of the Community Collaboration Model for recruitment and consider consulting with the Hartford Police Department on their experience with the model.

Recommendation 5B: UCPD should ensure that recruitment outreach is inclusive of all on and off campus communities including the LGBTQ community.

Recommendation 5C: UCPD should carefully select and train officers who attend recruiting events like career fairs.

Recommendation 5D: UCPD should establish recruitment ambassadors, comprised of University staff, students, and community members, who will work independently and with officers to help recruit applicants.

Recommendation 5E: UCPD should work toward making recruitment part of UCPD officers' regular interactions with the community.

Finding 6: While UCPD's recent decision to no longer require candidates to be pre-certified as police officers along with its decision not to give special consideration to candidates who have already completed the academy are critical steps toward increasing the diversity of the applicant pool, the plan can be enhanced.

Recommendation 6A: UCPD should track the performance of former Security Officers to assess any impact of the streamlined hiring process.

Recommendation 6B: UCPD should use lateral and retired officers only after it has carefully screened those

candidates to ensure that their qualifications and background are consistent with the mission and philosophy of UCPD.

Recommendation 6C: UCPD should consider a relocation bonus for qualified and appropriate lateral hires.

Recommendation 6D: UCPD should build a process whereby Cincinnati residents who are at the beginning of a career, as well as those that might be in transition from a previous career and whose career aspirations are consistent with the mission and philosophy of UCPD, are given priority for sponsorship to a police academy.

Recommendation 6E: UCPD should actively work with local high schools to identify and work with young people who may aspire to a career consistent with the UCPD mission and philosophy.

Recommendation 6F: UCPD should consider creating a UCPD Police Cadet program and a student intern program.

Recommendation 6G: UCPD should consider offering a free Candidate Applicant Preparation Program (CAPP).

Finding 7: Poor record keeping makes it difficult to determine potential problematic approaches and barriers associated with the current policy, beyond the proposed elimination of academy pre-certification requirement.

Recommendation 7A: UCPD should ensure that the annual evaluation process proposed in the Diversity Plan include the collection of data at every step, test, and exclusion point in the hiring process, including those who voluntarily drop out of the process. UCPD should use this data, as well as data regarding actual hires and feedback from new hires, to continuously improve the hiring process.

Finding 8: While the Diversity Plan proposes a re-engineering of the hiring process, including improved data keeping, contracting out of entry-level testing, and a re-ordering of the process which on its face looks appropriate, there are certain items for consideration that could enhance the proposed plan further.

Recommendation 8A: UCPD should consider developing and providing support mechanisms for all appli-

cants to reduce the number of no shows and failures.

Recommendation 8B: UCPD should ensure that the proposed suitability assessments of the applicants to the agency is tailored to the UCPD mission statement.

Recommendation 8C: UCPD should ensure that where the candidate has previous law enforcement experience, the background investigation should include inquiry into the candidate's use of force training, and any history of use of force, civilian complaints, or discipline.

Recommendation 8D: The Plan utilizes a panel interview conducted by UCPD/external stakeholders. While an assessment center approach offers benefits, a diverse interview panel is acceptable.

Recommendation 8E: UCPD and relevant stakeholders should review the process to be used by the contractor, confirm that it has been tested for bias and is aligned with the UCPD mission and philosophy.

Finding 9: While UCPD follows a standard promotional process, there appears to be no definition of the desired qualities for each supervisor position consistent with the mission and philosophy of the Department.

Recommendation 9A: UCPD should define the desired traits and qualifications for a supervisor, consistent with the mission and philosophy of the Department, and those traits and qualifications should be reflected in assessment center exercises, interview questions and scoring protocol.

Finding 10: Current procedures for review of promotion decisions and the promotion/ career development process are inadequate.

Recommendation 10A: UCPD should ensure that as required by the current SOP, the process for promotion is evaluated annually by the Chief, Assistant Chief, and Lieutenants. Additionally, UCPD should consider annual review of both the promotion and career development process by both the Chief and the Director of Public Safety.

Finding 11: Current interviews and assessment center process do not include participation from the student body and community.

Recommendation 11A: UCPD should use students and community members in the assessment center exercises and in the interview processes.

Finding 12: Current policies and procedures do not contemplate the recently established supervisory position of sergeant.

Recommendation 12A: UCPD should update its promotional policies and procedures to reflect the position of sergeant.

Finding 13: Despite UCPD's salary and benefits package being competitive with other law enforcement agencies in the area, there was an excessive attrition rate from the period of January 1, 2014 to January 25, 2016.

Recommendation 13A: An appropriate turnover/attrition metric should be identified with deviations from the expected rate yielding increased attention to potential issues.

Recommendation 13B: Enhance recruitment and hiring process to ensure that candidates have the right expectations and are the right fit for the job.

Recommendation 13C: Conduct, maintain, and analyze exit interviews in order to better understand any deviations from the expected attrition rate.

Conclusion

UCPD has recognized the need to re-engineer its recruitment and hiring practices in order for the police force to reflect the demographics of the communities it serves and meet the demands of policing in an urban university setting. It has taken key first steps in that direction. Building on those efforts, as recommended in this section, will best position the Department to recruit, hire, promote, and retain qualified officers who meet these essential goals.

E. Review of Training

Introduction

Twenty-First Century policing demands a highly agile, well-trained workforce that can manage a vast array of problems from community quality of life issues to violent crime and beyond. Today's officers must be problem solvers with critical thinking and community relations skills, just as much as they need to be proficient at the traditional abilities required of a patrol officer. These skills will only be developed

through sound training and education beginning at the academy and continuing throughout their careers.

A police department must have a clear mission and vision, and an articulable set of values that all employees should know and be able to actualize. The mission, vision, and values should be supported at all levels of the organization and be the foundation from which a training curriculum is developed.

Our review of UCPD training identified a number of critical deficiencies in policies, procedures, and practices. The recommendations presented below provide a roadmap to a re-engineered training function that can effectively prepare officers for the complex challenges of their role.

The UCPD Training Unit (TU) is led by a lieutenant (TU Lieutenant) who is responsible for oversight of all of the UCPD training. The TU Lieutenant is also tasked with numerous other responsibilities such as recruiting, hiring, and promotions. Without proper support, it is difficult for the TU Lieutenant to focus on and to thoroughly exercise proper command oversight of the training program.

The TU Lieutenant should have full knowledge and oversight of all training budget information and staffing allocations in order to be able to budget both on-site and off-site training. The Exiger team found that in the past, the TU Lieutenant was not always provided this critical management and budget information.

The TU Lieutenant is responsible for ensuring that all new police officer hires have attended a State certified academy prior to hire, schedules police and security officers for their mandatory orientation training, and maintains files to track all training information for all UCPD employees. Exiger team members reviewed excel spread sheets that track annual training. In 2015, all but one individual tenured officer attended the mandatory four hours of training required by the State of Ohio.³⁸ Further review indicated that all employees met or exceeded the minimum UCPD requirement of 20 hours of in-service training for the year. There was little information in the 2015 spreadsheet regarding the specific training courses the employees had completed. However, in 2016 the new TU Lieutenant began to document all in-service training attended by each employee. This is an improvement from prior years.

There were several deficiencies noted in command oversight

³⁸ The number of mandatory hours was increased to 11 hours for the calendar year 2016 by 109.803 of the Ohio Revised Code (OIC)

of training. The Training Procedures (SOP 33.5.100) require all training to be reviewed and approved by the TU Lieutenant and by a training committee to ensure that training goals are reasonable as assessed by stakeholders. The Exiger team saw no evidence, however, that training has been reviewed by the TU Lieutenant over the past several years. There is no training committee and the TU Lieutenant was not aware of the existence of any training committee during his 15-year tenure with UCPD.

Also, according to the SOP, the TU Lieutenant is primarily responsible for the administrative side of training, including approving the courses and tracking attendance by UCPD employees. There is no evidence that the TU Lieutenant attended training for the purpose of oversight of the training being presented.

The current TU Lieutenant was appointed in late 2015 and immediately began the process of organizing training files, which were previously maintained in an antiquated record keeping system. There were no files, a lack of documented curricula, and few lesson plans had been formally developed. Employee training records were not adequately kept and as such it was difficult to track what training any individual employee had attended.

Furthermore, in assessing a training program, it is important to consider the actual training environment to ensure it is creating opportunity for students to learn and grow. The facilities provided by an agency send a message to its employees about the extent to which training is valued by the organization. In this regard, the message sent to UCPD officers is not reassuring.

UCPD officers are not trained at any of the available quality classrooms on the University's campus. Rather, the UCPD training site is located several miles from the campus in a warehouse facility with missing, broken, and/or water stained ceiling tiles, old plastic tables, and uncomfortable chairs, none of which make for an effective learning environment. There is a large mat room with some equipment available to teach skills such as defensive tactics and baton techniques. Notably, the equipment was purchased by the defensive tactics instructor and not by the University or the UCPD. The square footage of the two training rooms is adequate; however, the location is dilapidated and suggests a lack of support for training from the top leadership of both the University and UCPD. Finally, the main office for the TU is housed at the warehouse training site, making the entire unit isolated from the rest of the UCPD.

OPOTC standards for training are out of the hands of UCPD; that said, Ohio has taken recent measures to improve the basic training framework for officers. In 2015, Ohio Governor Kasich created a Task Force to address the fractured relationships that existed between some communities and law enforcement agencies.³⁹ The Task Force reviewed the OPOTC standards for both recruit and in-service training. The Task Force recommended many changes to Ohio laws and regulations to improve training standards for all police officers. One recommendation was to increase the number of hours required in the basic training academy curriculum to be more consistent with best practices; Ohio requires only 605 hours of basic training, less than bellwether states California (664), New York (649), and Texas (618). Recommendations specific to training include dealing with juveniles, people with mental health issues, recognizing personal biases, police-community relations and simulated shoot/no-shoot and other scenarios. These additions are in line with best practices and will assist UCPD in the development of new officers.

In addition to the basic academy training, which meets the aforementioned OPOTC standards, UCPD requires all new hires (police and security officers) to attend an 80-hour in-house orientation course where UCPD instructors teach the following topics:

- Defensive tactics
- Firearms and firearms qualification
- Communications and professional standards
- Campus familiarization
- Rules of conduct
- Defensive driving
- Radio and Mobile Digital Computer communications
- Title IX
- Lesbian Gay Bisexual Transgender Questioning (LGBTQ)
- Body cameras
- HAZMAT safety
- Fire safety
- Use of Force
- Investigations
- Standard Operating Policies and Procedures

The Exiger team agrees that these are important subjects that should be taught by an agency to ensure new hires understand agency policy and procedures, and to set the tone from the top. However, there are several critical areas that appear to be missing from the orientation training such as community relations and the Clery Act. Additionally, training should be delivered on the mission, vision, and values of

³⁹ Ohio Task Force On Community-Police Relations, Final Report, April 29, 2015.

UCPD. Our review found an absence of classes for both police officers and security officers on several areas including community-police relations, building partnerships with communities both on and off campus, interacting with persons with mental illness, substance abuse, date rape, leadership, critical thinking, and problem solving.

Furthermore, the Exiger Team found that the UCPD is exposed to risk due to the irregular orientation training schedule. Because of the sporadic hiring schedule and the small number of new hires entering employment at UCPD at any given time, orientation training is not scheduled until there are enough new hires for a full class. Therefore, new hires may wait six months or more before attending the orientation classes. During the interim, the untrained new hires work in patrol functions.

As for continuing education, the UCPD currently requires all police and security officers to attend 20 hours of continuing education annually, nine hours more than the current State mandate. While the quantity of training required of all UCPD employees is sufficient, there is no assurance that the training an officer attends is consistent with UCPD policies, or with the mission, vision, and values of the University or the UCPD.

The majority of continuing education training for all employees is conducted off-site, and is led by third-party instructors, not UCPD personnel. According to SOP Number 33.5.100, Training Procedures, training may be conducted while off-duty and at the employee's expense. Some continuing education training opportunities are found in the UCPD training calendar, but most are found by the individual employee through their own research. All supervisors have access to the training calendar, which is maintained by the TU Lieutenant. Employees may request training through their supervisor or be assigned to training by the TU Lieutenant. Once employee training requests are approved by the supervisor, the request is forwarded to the TU Lieutenant for final approval at which time the employee is notified via Department email. Unfortunately, numerous employee requests for outside training go unfulfilled; requests are often held up at the initial supervisory approval level, with approval only obtained after the date the training was scheduled to occur.

There was no in-service training for police or security officers scheduled during the site visit, nor any scheduled prior to the completion of this report. However, the team identified several deficiencies in the quality of training. Training delivery currently is left to the decision of each individual instructor at UCPD. Since there are no lesson plans to evaluate, or

training to observe, there was no way to conclusively determine the training delivery methodologies used by instructors. The Exiger team found that much of the training was in lecture format, and based on instructor experience and limited outside instructor training. Defensive training classes did include some scenarios and role playing. However, lesson plans were not available to establish whether this is a requirement in the delivery of the materials or if it is left solely to the discretion of the instructor. Furthermore, the TU Lieutenant expressed frustration over the lack of readily available historical training information.

Currently, UCPD instructors are not required to attend a certified instructor development course. The State of Ohio offers an 80-hour instructor development course that instructs on adult learning modalities, curriculum and lesson plan development, and facilitation skills. A review of this instructor development course curriculum revealed that it is consistent with best practices. To the best of the TU Lieutenant's knowledge, no UCPD instructor other than himself has attended this course or is scheduled to attend this course in the future.

There is no identifiable process in which UCPD training curricula is developed. Three knowledge domains should drive the development of curriculum: Cognitive, Affective, and Psychomotor. Course objectives should be developed so that students are aware of the level to which the agency will expect the student to perform. UCPD training contains no clear statement of the mission, vision, and values of UCPD which is needed to set a foundation from which to build all training curricula.

There is no indication that adult learning methodology is consistently applied in courses at UCPD. Adults learn best in a hands-on setting where it is safe to make mistakes and learn from them in a controlled environment. Adults need to link new learning to past experiences to ensure development. Through problem-solving, scenario-based training, table top exercises and role play, students have the opportunity to apply what is presented in the course and instructors are able to assess and make corrections in the moment. Understanding that officers come to training with varying degrees of knowledge, skills, and experience, adult-learning techniques allow the instructor to acknowledge experience and build upon it. Trainers should recognize that students learn from each other in the process, which makes for a rich learning environment.

Topics and skills taught in all in-service training classes appear to be taught in isolation of one another. There does not

appear to be any integration of topics such as community relations within use of force course, or unique campus life issues within the defensive tactics course. Integrating topics is a more relevant, realistic and effective way of training and developing employees.

Finally, establishing a *lessons learned* program to aid in the development of quality police training curriculum is a best practice.⁴⁰ Such a program is helpful for ensuring that employees understand where prior efforts have fallen short and that can help develop a roadmap for change/improvement so that the agency learns from, and does not repeat, mistakes. Currently the TU Lieutenant is not required or allowed to review all use of force reports, internal complaint investigations, and law suits to identify lesson learned and infuse those lessons into training curricula.

Based upon a review of available training materials, the UCPD-led training does not appear to properly prepare the police and security officers to police in a large university and in urban areas. Further there does not appear to be training directed toward effective interactions with diverse populations. Campus police and security officers must be able to move seamlessly from handling a traditional campus security concern such as a burglary from a motor vehicle to an active shooter incident. Police and security officers must know their roles and be trained to the unique characteristics of university campus life. This can only be accomplished through a strong and well-articulated mission, vision, and values statement from the agency and training developed to accomplish the mission. All courses taught by UCPD instructors are attended by both police and security officers with the exception of firearms training. This is a best practice so that each understands their role in policing and security.

Findings and Recommendations

Finding 1: Training Policies and Procedures are generic and out dated and do not meet the needs of UCPD.

Recommendation 1A: UCPD should draft and adopt consistent policies and procedures for the development and approval of all UCPD courses and ensure that all such courses are consistent with the mission and philosophy of the department.

Recommendation 1B: UCPD should ensure appropriate oversight of outside training to ensure it is consistent with the Department mission, vision, and values.

⁴⁰ Training the 21st Century Police Officer, RAND Report, August 31, 2003.

Recommendation 1C: UCPD should require proper tracking, and evaluation of all courses and instructors.

Recommendation 1D: UCPD should require instructors to attend a certified instructor development course.

Recommendation 1E: UCPD should ensure training is consistent with officer tasks and competencies to successfully serve in an urban and campus environment.

Recommendation 1F: UCPD should establish and maintain a “lessons learned” program.

Recommendation 1G: UCPD should establish a Training Committee responsible for review of training policies and procedures, curricula development, and course delivery.

Recommendation 1H: UCPD should ensure that training opportunities are available to all employees both sworn and unsworn.

Finding 2: Current training-related facilities are inadequate.

Recommendation 2A: UC and UCPD should locate the training office within headquarters and create a state of the art on-campus learning environment by identifying a professional setting for in-service training.

Finding 3: New hires may wait six months or more before attending the 80-hour UCPD orientation class during which time they will be working in patrol functions.

Recommendation 3A: UCPD should develop a portion of the 80-hour class in an e-learning format, to be delivered immediately upon swearing in, so as to allow for appropriate orientation before the commencement of patrol functions. At a minimum, this should include orientation as to the mission and philosophy of the UCPD, a primer on problems unique to campus policing, Use of Force policies and procedures, an introduction to community relations, and diversity training.

Finding 4: Several critical areas appear to be missing from the orientation training such as community relations, the Clery Act, and a statement of mission, vision, and values of UCPD. It is unlikely that the 80-hours of training provide sufficient time to cover the additional subjects that new hires should receive.

Recommendation 4A: Develop introductory curricula, with time allotment and method of delivery (e-learning versus classroom) for inclusion in orientation training; curricula should include the Clery Act; mission, vision, and values of UCPD; and community relations.

Finding 5: Based upon a review of available materials, specialized and in-service training does not appear to properly prepare police and security officers to police in a large university and in urban areas or adequately train toward effective interactions with diverse populations.

Recommendation 5A: UCPD should design courses to specifically meet their unique training needs, including courses addressing the unique intersection of urban and university policing, and training designed to promote effective interactions with diverse populations.

Finding 6: UCPD does not conduct an annual review of training or formal needs assessment process with regard to orientation or continuing in-service training.

Recommendation 6A: Build on the recommendations of this report relative to needs assessment and conduct a formal review of training, to be repeated on an annual basis.

Recommendation 6B: Develop an annual training plan consisting of goals and strategy based on an annual formal needs assessment, with input from the Chief of Police, a training committee comprised of appropriate UCPD personnel, training unit officer-in-charge, as well as input from community and feedback from other officers and supervisors.

Finding 7: While the hours of mandatory in-service training required of all UCPD employees (16 hours beyond the 2015 State mandated training and 9 hours beyond the new 2016 requirement) is sufficient, additional training time would be beneficial.

Recommendation 7A: Develop as part of the annual training plan a mandatory training curriculum in modular format, to be reviewed and modified annually, including the state-mandated training as well as those courses which are determined to be best suited for UCPD-mandated annual training.

Recommendation 7B: The curriculum developed

should be infused with elements of community policing, including a clear and unified message as to the UCPD's commitment to community policing, as well as with critical thinking and problem solving skills training throughout.

Recommendation 7C: Develop a series of elective courses in different relevant subject matter areas all of which would have to be completed over a three-year period.

Recommendation 7D: UCPD should initially consider courses for the mandatory training that include updates on trends and innovations in both municipal and university policing, an update on Ohio criminal law, a use of force update including de-escalation techniques, community and problem solving policing updates, and anti-bias training.

Recommendation 7E: Elective courses should include (titles included here would be advanced extensions of any mandated course with similar subject matter):

- a. Community-police relations
- b. Traffic stops
- c. Constitutional use of force
- d. Building partnerships with communities both on and off campus
- e. Critical thinking and problem solving
- f. Ethics and Integrity
- g. Human trafficking
- h. Diversity
- i. Biased policing
- j. Substance Abuse
- k. Date rape
- l. Leadership
- m. De-escalation skills through the perishable skills training (defensive tactics, firearms, driving and communication skills)
- n. Equal Employment Opportunity
- o. Interactions with persons with mental illness

Recommendation 7F: Determine the appropriate split of total mandatory annual training hours between mandatory and elective courses. This would not preclude additional approved specialized training offered by UCPD or outside agencies or entities.

Recommendation 7G: Increase diversity and biased policing training and require these subjects to be recurrent training annually.

Recommendation 7H: Records of all training should be centralized and maintained in an electronic format which becomes part of an Officer's personnel package.

Finding 8: There is no identifiable process by which UCPD training curricula is developed.

Recommendation 8A: UCPD, working with the University should develop a process by which it develops its curricula.

Finding 9: There currently is no lessons-learned program by which the Department can embark on a path of continuous improvement.

Recommendation 9A: Establish a lessons learned program, derived from UCPD uses of force, post-incident debriefings, employee suggestions, personnel complaints and case law updates, which would inform 1) the development and modification of policy and procedures, 2) the creation of tactical concepts and 3) the development and modification of training curriculum.

Finding 10: While the UCPD Field Training Program is a sound structure and commonly used throughout the country, the core success of any Field Training Program is based on the quality of the FTO for which UCPD does not have a written selection protocol.

Recommendation 10A: Develop a list of tasks and skill competencies expected of an FTO.

Recommendation 10B: Create a selection process to assess whether an applicant has the skills necessary to train new officers.

Recommendation 10C: Ensure that all FTO's support the Mission, Vision, and Values of UCPD and will be a strong role model for new employees.

Recommendation 10D: Ensure that the selection process includes a detailed review of the disciplinary and merit file of the candidate.

Recommendation 10E: Ensure that there is a policy that requires a timely suitability review of any FTO in

the case of a sustained complaint involving that FTO.

Finding 11: Currently, instructors at UCPD are not required to attend an OPOTC Certified instructor development course.

Recommendation 11A: Require instructors to be OPOTC Certified Instructors.

Finding 12: Training delivery currently is left to the discretion of each individual instructor at UCPD. There is no standard requirement that the training include role play, scenarios or table top exercises and no indication that adult learning methodology is consistently applied.

Recommendation 12A: Require all courses taught by UCPD instructors to have written lesson plans that include clearly stated, realistic performance objectives and learning activities that utilize multiple learning modalities.

Recommendation 12B: Base the training approach on the tenets of adult education, promoting decision-making and critical thinking.

Recommendation 12C: Develop problem-based scenarios and case studies that allow the student to apply problem solving skills & knowledge of diverse populations.

Recommendation 12D: Require curriculum review before a class is taught.

Recommendation 12E: Observe instructors and rate performance.

Recommendation 12F: Survey students confidentially relative to the performance of their instructor and adequacy of training generally.

Finding 13: There does not appear to be any integration of topics such as community relations within use of force courses, or unique campus life issues within the defensive tactics course.

Recommendation 13A: UCPD should ensure that community relations issues are included in use of force courses and that unique campus life issues are included in the defensive tactics course.

Finding 14: The majority of continuing education training for all employees is conducted off-site, by non-UCPD instructors

and without any requirement that the curricula be reviewed or approved by UCPD or that officers who attend such training bring a copy of the syllabus back for their training files.

Recommendation 14A: UCPD should require by policy that all non-UCPD training be reviewed and approved prior to authorizing attendance at such program, and that a syllabus of such training be obtained for inclusion in the attending employee's file.

Finding 15: There are serious deficiencies noted in command oversight of training including: the lack of a Training Committee (despite it being named in the SOP); the lack of review (or available evidence of review) of course curricula by the TU Lieutenant or Training Committee; the lack of an annual Continuing Education Plan and Learning Needs Assessment; and the lack of oversight over outside training.

Recommendation 15A: UCPD should ensure that the TU Lieutenant is devoted primarily, if not exclusively to all of the tasks attendant to training and should determine whether additional assistance is required.

Recommendation 15B: UCPD should re-establish the Training Review Committee under the direction of the TU Lieutenant and include a member from the University and two members from the community.

Recommendation 15C: UCPD should ensure that an annual Continuing Education Plan and Learning Needs Assessment is conducted.

Recommendation 15D: UCPD should review, approve, and maintain the curriculum of every outside course approved for attendance by a UCPD officer.

Finding 16: The Training Unit lacks basic management practices including: the lack of creation, maintenance and retention of curriculum, expanded course outlines, and/or lesson plans for courses; best practice templates for the design and evaluation of training; and regular course assessments.

Recommendation 16A: UCPD should obtain a Learning Management System (LMS) (or utilize the University's LMS *Blackboard* if appropriate) to track all training records, retain expanded course outlines and lesson plans, allow for automated employee training requests and approvals.

Recommendation 16B: UCPD should use best practice templates to design training, and evaluate training de-

livery and instructors.

Recommendation 16C: UCPD should complete regular assessments of courses and training delivery and ensure that curricula include relevant and realistic officer tasks and competencies.

Recommendation 16D: To ensure consistency with UCPD policies, procedures, practices and agency mission, vision, and values, UCPD should assure that the TU Lieutenant approve all internal courses and lesson plans, and outside courses prior to allowing employees to attend.

Finding 17: The Training Unit lacks an identified budget.

Recommendation 17A: UCPD should identify the actual training budget for equipment and off-site training each year and hold the Department accountable for working within its training budget.

Finding 18: There appears to be no control over the selection of instructors or ongoing evaluation of their performance.

Recommendation 18A: UCPD should work with the University to develop a policy with respect to the selection of instructors and for the evaluation of their performance.

Finding 19: There is no policy that requires the TU Lieutenant to attend training for the purpose of oversight of the training being presented.

Recommendation 19A: UCPD should develop a policy which charges the TU Lieutenant with mandatory attendance (either by himself or an appropriate designee) of training so that he can evaluate its effectiveness in writing.

Finding 20: The UCPD has essentially no collaboration with the University in the area of training.

Recommendation 20A: UCPD should extensively collaborate with the University on issues of training and should consider the creation of a Community-Police Academy for surrounding communities and a Student Community-Police Academy for campus communities.

Finding 21: The UCPD has little collaboration with the CPD in the area of training.

Recommendation 21A: UCPD should consider collaborating with CPD on issues of training.

Finding 22: The UCPD currently has a basic OPOTC-certified Police Academy located on its Clermont Campus which is unused by UCPD.

Recommendation 22A: UCPD should consider utilizing the Clermont Campus OPOTC-certified Police Academy as its own internal academy where UCPD sponsored/hired cadets could attend.

Conclusion

Training can be an important catalyst to bring about change within an organization. It is a necessary element to drive change and institutionalize it within an organization. The basic tenets are present for the UCPD to create a state of the art training program for police and security officers. The UCPD is housed on a university campus and has the ability to interact with a state certified academy housed on a separate campus. The current TU Lieutenant has been educated on instructor development and curriculum design, and has the desire to shift training at UCPD into a 21st Century model. However, creating a state of the art training program will only be accomplished through the support of the University and Public Safety leadership. Both must make training a priority, provide the proper support and communicate this focus through words, policy, and action.

F. Review of Accountability Mechanisms

Introduction

The mechanisms in place to ensure that the obligations and responsibilities of each individual in a police organization are understood and adhered to, and that deviations from those obligations and responsibilities are appropriately dealt with, are a foundational requirement of any modern police department. These mechanisms include appropriate supervision and spans of control, a system to detect and deal with potentially at-risk officers, a disciplinary system that deals with alleged transgressions of policies and procedures in a fair and consistent manner, and an inspectional system designed to uncover deviations from policies and procedures. In some cases, where a police organization is in need of significant reform, a temporary external entity is also necessary to ensure that all remediation efforts are being implemented in a timely and effective manner.

With regard to supervision and span of control, the need for strong leaders and supervisors throughout the chain of

command cannot be overstated. Every individual in the organization must know who their immediate supervisor is, and what their performance expectations are. Perhaps most important, however, is that first line supervision of patrol officers usually provided by sergeants in most police agencies, be adequate and appropriate.

Until recently, there were no sergeant positions in the UCPD. Instead, each platoon was staffed by two lieutenants. In theory, this arrangement provided that there would always be at least one lieutenant working. However, that was not always the case, given vacations and illness, among other things. On those occasions when there was no lieutenant working, one of the police officers on duty was designated as the officer in charge. Because there were two lieutenants assigned to each shift, neither was clearly the shift commander and it was reported that officers often received confusing and conflicting directives from their supervisors. In essence, there was no consistency or clarity in first line supervision, and, in fact, an individual officer's supervisor one day could be his or her supervisee the next.

Simply put, this lack of adequate supervision was dangerous and completely unacceptable. This failure became even more egregious when the UCPD doubled its numbers and increased its role off-campus. These changes required greater oversight and supervision, given the young and inexperienced new members of the Department who were engaging in relatively high-risk municipal policing.

Despite the expanded responsibilities of the patrol force, no sergeant positions were created until 2015. The present organization chart shows two sergeant positions and one lieutenant position for each of the three patrol squads. This is a significant improvement because it establishes one commander per tour (the lieutenant) who can provide leadership and clear direction to the sergeants and officers assigned to them. The Exiger team has been informed that UCPD has now filled two vacant sergeant positions so that each watch will have a lieutenant and two sergeants.

An Early Warning System (EWS) is another component of a fulsome approach to accountability. The University has recognized the need for an EWS. In April 2015, the University undertook a first step in implementation of such a system with the purchase of the Guardian software, the full installation of which was completed in September of 2015. Exiger has made recommendations with respect to the EWS. For the purpose of this section of the report, it is important to understand that the EWS is a vital part of the overall accountability ecosystem serving to collect and analyze dis-

parate data with the hope of early identification of an officer whose behavior is such that he or she may be at risk of serious future actions or policy violations. In cases where the identification of such an officer is made, appropriate intervention, pursuant to an established protocol, is required.

While the Early Warning System is designed to identify potentially at risk officers through an analysis of various aspects of their police work, which may include complaints, the complaint process deals with the actual alleged transgressions of policies and procedures by an officer. How a police agency accepts, records, and investigates complaints that are reported from any source, be it from citizens or from within the department, is another measure of the maturity of accountability within a police department.

Exiger reviewed the complaint process within the department and found it to be in disarray. First, there was an absence of leadership. Although a captain had been assigned to act as the leader of the Professional Standards function, the designated captain had recently resigned. A lieutenant was in the process of being appointed to the position.

Second, the Exiger team was unable to review any complaint and/or report of investigation files for the last six years or even a log of the complaints. The complaint and investigation files should contain details on the date and time a complaint was received, the identity of the officer(s) involved, the nature of the complaint, and the name of the supervisor assigned to the investigation. The file should also document all the investigative steps taken to prove or disprove the allegations that were made against an officer(s). These folders should also include notifications that were made to the chief and others including the FOP. Exiger did not undertake an independent review of any of the individual complaint files; the files were secured inside a locked drawer of a file cabinet in a locked office. The Exiger team did review disposition reports which were provided as part of our document request. In most of the disposition reports that were reviewed, no disciplinary action was taken. However, in a few instances, written counseling was recommended.

UCPD is required by policy to maintain a log of complaints (SOP 52.1.100). The log should contain the date and time the complaint was received, the identity of the officer(s) involved, the nature of the complaint, the name of the supervisor assigned to investigate the complaint, the result of the investigation, and the ultimate disposition of the complaint. The Exiger Team was informed that UCPD had not maintained a log for at least the last six years.

With regard to investigations of complaints, best practice requires that complaints be investigated fully and fairly in a timely manner. After investigation, the complaint must be adjudicated as being “sustained,” “unfounded,” “not resolved,” or “exonerated.” In cases where a complaint is sustained, there must be a determination of appropriate response by the Department, ranging from “no discipline,” “remedial training,” “loss of pay,” “suspension,” or “termination.” The decision of what constitutes appropriate discipline in any situation should lie with the Chief of the Department. That being said, the review of an investigation, its adjudication, and a recommended penalty in cases of sustained complaints, can, and we recommend should, involve civilians drawn from the community.

The Exiger team also found a lack of any operational audit function. A strong system of accountability should include an audit function, serving to ensure that the systems that are in place are operating as expected and in conformity with best practice. Ideally, this unit should report (by at least dotted line) to the Vice President for the Officer of Safety and Reform. The unit should have an annual audit plan that calls for examination of each of the critical areas of operation in the Department. Personnel assigned to this unit should undergo specific training and certification.

Until the audit function described above is properly and fully established in the Department, and because of the number and nature of the reforms recommended in this report as being necessary to bring the Department into compliance with best practices, the undertaking of a voluntary independent monitorship is recommended to ensure that such reforms are appropriately implemented according to an agreed upon schedule, and that the Board of Trustees and public is apprised of the progress of reform. The independent monitor would initially work with the Department to determine which recommendations the University agrees with implementing, the timeline for implementation of those recommendations, and the measure by which the success of implementation will be assessed. Thereafter, the Independent Monitor would report to the Board of Trustees and the public on the progress of reforms.

Findings and Recommendations

Finding 1: UCPD’s level of supervision has been seriously inadequate, but the recent creation and filling of sergeant positions and realignment of lieutenant positions are much needed organizational improvements.

Recommendation 1A: Each of the three patrol shifts

should be made up of two squads of officers, with each squad having a permanently assigned sergeant who works the same rotating schedules as their officers.

Recommendation 1B: The Organization chart should be redesigned and comprised of sub charts showing Field Operations and Support Services in greater detail. The Organization chart should also be updated to reflect latest personnel changes, including each squad sergeant and the officers assigned to the squad.

Recommendation 1C: A comprehensive review of the patrol chart should be conducted to determine if it deploys the patrol force and the supervisors in the most effective manner.

Finding 2: UCPD uses Guardian Tracking, a tracking and management software program designed to assist supervisors in their duties of documenting and monitoring their subordinate employee's performance.

Recommendation 2A: UCPD should integrate aspects of the Guardian system with the ICS data system in order to build a comprehensive EWS.

Finding 3: Despite the requirement that written statements of the duties and responsibilities of each specific position be maintained, there appears to be no current listing of duties and responsibilities for Sergeants and Lieutenants other than a general listing of duties for persons seeking the promotion/position.

Recommendation 3A: UCPD should develop a list of critical duties and responsibilities for these positions.

Recommendation 3B: UCPD should consider requiring that patrol sergeants perform documented visits, preferably in the field, to each subordinate during their shift.

Finding 4: Despite SOP 35.1.100 requiring regular performance evaluations, and supervisor-employee meetings to discuss the evaluation, some officers reported that they had not been evaluated in a few years, and that evaluations had been forwarded by computer.

Recommendation 4A: UCPD should implement a quality control process to ensure compliance with the performance evaluation requirements, and incorporate related duties on the list of supervisor responsibilities.

Finding 5: UCPD policies with respect to complaint receipt, investigation, and disposition are inadequate.

Recommendation 5A: UCPD should draft Complaint Initiation Policies and Procedures that (a) call out the different methods of initiating/receiving complaints (by mail, telephone, fax or email and via the UCPD website); (b) allow for the receipt of anonymous complaints; (c) provide for walk-in complaints at UCPD headquarters; (d) prohibits any attempt to dissuade an individual from filing a complaint; (e) requires appropriate notification from UC General Counsel anytime a lawsuit alleging police misconduct is filed; (f) requires notification to UCPD by any officer who is arrested or otherwise criminally charged or the subject of a lawsuit that alleges physical violence, threats of physical violence or domestic violence; (g) requires officers to report the misconduct of other officers including improper use or threatened use of force, false arrest, unlawful search or seizure, or perjury; and (h) allows for the processing of internally generated complaints.

Recommendation 5B: UCPD should draft Complaint Investigation Policies and Procedures that (a) requires the categorization of complaints; (b) defines the workflow of the different categories of complaints from investigation to adjudication; (c) provides time frames for the investigative process; and (d) establishes complaint investigation protocols. The revised SOP should provide for confidentiality to the extent otherwise permissible where disclosure would compromise the investigation.

Recommendation 5C: UCPD should draft Complaint Adjudication Policies and Procedures that (a) set forth the standard of proof; (b) prohibits automatic credibility preference being given to an officer's recitation of facts; (c) defines the categories of potential disposition; (d) and, sets the timeframe in which adjudication should be completed.

Finding 6: UCPD does not maintain a complaint log as is required in the Internal Affairs policy (SOP 52.1.100).

Recommendation 6A: Complaint information should be compiled into a simple database, which can be accessed by the ICS system, and should include fields for: the sequential number of that complaint in that year, date complaint received, nature of the com-

plaint, employee who is the subject of the complaint, the supervisor assigned to investigate the complaint, disposition, and date investigation completed.

Finding 7: No brochures about the complaint process or complaint forms were observed in UCPD public spaces.

Recommendation 7A: UCPD should develop brochures, in hard copy and for inclusion on UCPD's website, about the complaint process and complaint forms and make such materials available and include as a requirement in a new SOP governing civilian complaints.

Finding 8: There is no complaint review process by any outside civilian entity.

Recommendation 8A: UCPD should consider establishing a subgroup of the Community Advisory Council to review the department's investigation of complaints made against UCPD employees.

Finding 9: The UCPD disciplinary process is governed by the FOP contract and there appears to be no governing SOP.

Recommendation 9A: A separate SOP should be created detailing how disciplinary matters should be handled by UCPD. Such a procedure should include creating a form that summarizes details of an allegation of misconduct and creates a log listing the number of the issue starting at 001 of year and including the name of the employee, the dereliction charged, the name of the supervisor reporting and/or investigating the matter, and the date adjudicated.

Finding 10: There is no inspection or operational audit function within the Department.

Recommendation 10A: UCPD should consider establishing an Inspectional Services or Audit unit, reporting directly to the Vice President for Public Safety and Reform.

Finding 11: There is no provision for an on-going outside independent assessor of the state of reforms of the UCPD.

Recommendation 11A: UCPD should consider entering into a voluntary independent monitorship which would provide regular status updates to the Board of Trustees and the public relative to the progression of reform within the Department.

Conclusion

In recent years UCPD's level of supervision and other accountability systems have been seriously inadequate. Recent efforts such as enhancements to the supervisory structure are important improvements, however additional steps are necessary before the Department has the necessary controls in place to operate effectively.

G. Review of Specific Tactics Including Community Engagement, Problem-Oriented Policing, and Crime Prevention

Introduction

It is crucial for any law enforcement organization to build and maintain a strong, productive working relationship with the community that it serves. It is only through a strong collaborative partnership between the police and the community that solutions and initiatives can be developed and implemented that will result in a community that not only is safe, but feels safe as well. The importance of this relationship is even more pronounced in a campus environment where there is traditionally less crime, particularly violent crime, than in the community at large. Accordingly, regardless of how effective a campus police department is in reducing crime, its Community Affairs component must be comprehensive, resilient, and fully engaged if the department is going to succeed and be embraced by the community it serves.

Because of this infrequency of violent crime on college campuses, crime prevention, problem-oriented policing, and community-oriented policing are closely related. For this reason, we have chosen to deal with the three subject matters collectively in this section.

UCPD Community Relations SOP 45.2.101 recognizes the need for "strong community ties between the University Police and the community [they] serve." The procedure states that it is the responsibility of every officer to work toward the goal of establishing close ties with and responding to the needs of the community. However, the specific responsibility for the community relations function is assigned to the crime prevention officers.

Under the current UCPD Organizational Chart, there is a Community Affairs Unit that reports to the Professional Standards Captain. Among the other units reporting to this captain are: Internal Affairs, the Organizational Development Coordinator, and Training. Presently, there is no Captain assigned to Professional Standards as the incumbent recently left the Department for a position at another University.

There appears to be significant confusion over the organizational reporting structure for the Community Affairs function. To begin, there does not appear to be any rationale for Community Affairs reporting to Professional Standards, given their different missions. Moreover, this confusion has been somewhat heightened by the newly created position of Director of Community Police Relations.

The Community Affairs group includes two Community Engagement Officers (CEO's), the Victim Services Coordinator, Night Ride, and Campus Watch. These functions apparently now report directly to a lieutenant. It appears that the two CEO's are also tasked as the crime prevention officers referenced in the Community Relations and Crime Prevention SOPs.

In practice, it appears that most, if not all, of the existing community engagement activities are being carried out by the CEO's, with the support and encouragement of the Department's Public Information Officer (PIO). The PIO, who joined the Department in June, 2014, and who reports directly to the Chief, has designed and sought to implement a number of community engagement strategies during her tenure at UC. Among these are a social media strategy, a social media calendar, a Public Safety Communications Plan, and a Public Safety/Residence Education Partnership.

The PIO also serves as UCPD's advisor to the Student Safety Board (SSB), a group whose mission is to act as a liaison between the student body and the Office of Safety and Reform and to raise awareness through continuous education and peer services to create a safer environment for the UC community. The SSB has implemented a number of initiatives, including a Student Organization Awareness Program, (SOAP). As part of the SOAP initiative, each student organization must complete a safety presentation given by SSB as part of the organization's annual requirements. The presentation includes safety resources offered by Public Safety and the University as well as instruction on general personal safety, fire safety, and, among other things, hazing.

SSB also hosts Student Safety Week. This year, during Student Safety Week, which was held the week of March 14, 2016, students participated in an educational outreach event with UCPD and CPD.

The senior CEO at UCPD is both the institutional memory and the driving force behind UCPD's Community Engagement efforts, initially serving as a CEO during the tenure of Chief Ferrara. Although this position, like investigators, was

subject to a rotation period of four years, pursuant to the Collective Bargaining Agreement, the officer served in the role for an additional two years because of his affinity for the position and the success he was having. After being replaced after his six years in the position and returned to patrol for a period, he was asked to return to the position of CEO in 2013 and continues in the position today.

Since the 1980's, police departments across the U.S. have implemented successful Community Policing strategies. Perhaps best defined by Police Commissioner William Bratton, Community Policing relies on three P's: Partnership, Problem Solving, and Prevention. The police in partnership with the community work together to solve crime and quality of life problems leading to reduced crime and disorder and successful crime prevention outcomes.

Police practitioners first embraced Community Policing at the Harvard Executive Sessions on Policing in the 1980's where they learned about research by Dr. George Kelling (e.g., Broken Windows), Dr. Herman Goldstein (e.g., Problem-Oriented Policing), and Dr. John Eck, who introduced the SARA Model of Policing. Under the SARA Model of problem solving, patrol officers Scan or identify a community for problems or concerns; Analyze all inputs and information; design and implement an appropriate Response; and then follow up to Assess if that response produced the desired outcomes.

The SARA model has influenced current successful policing practices including CompStat (Computer Statistics), which was first introduced in New York City in 1994 by Commissioner Bratton. CompStat is a data-driven police management and accountability tool that has been credited with decreasing crime and increasing quality of life in New York and other cities across the nation that replicated the New York program. Similar to the SARA Model, CompStat relies upon: timely and accurate intelligence; effective tactics; rapid deployment; and relentless follow-up and assessment. Today, Community Policing and the SARA Model are evidenced in high performing police departments through effective crime prevention and community engagement strategies.

As part of the review of UCPD's Community Policing efforts, the Exiger Team also evaluated its crime prevention initiatives. In any effective police organization, all officers should be a part of the crime prevention process. UCPD's SOP 45.1.100 recognizes this principle. The procedure provides that two officers are to be assigned specifically to Crime Prevention; those officers are under the supervision of the Investigative Lieutenant, and with full time responsibilities

including planning and coordination of crime prevention activities. As noted above, the two Crime Prevention Officers called for in the current SOPs are serving as the Community Engagement Officers as well. While the Community Affairs Unit's responsibilities can and should include support for crime prevention strategies, through activities such as facilitating safety presentations, and establishing and maintaining neighborhood watch groups, this overlap should not give rise to a consolidation of the functions. Rather, the overall goals of Community Affairs and Crime Prevention will be best achieved by separate resources dedicated to each function.

A number of crime prevention initiatives were developed during the initial assignment of the Senior CEO many of which were discontinued when he returned to patrol. Thought should be given to reinstituting many of those initiatives again, as well as some innovative initiatives proposed by the PIO.

There are presently a number of crime prevention initiatives in place at UCPD that contribute to the safety and the sense of well-being of the UC community and the surrounding areas. Additionally, by directly involving students, crime prevention initiatives help build bridges between the UCPD and the UC Student Body. Among these initiatives are the following:

- U.C. Ambassadors Program;
- Night Ride Program;
- Campus Watch;
- Live Safe App;
- Student Safety Board;
- Burglary Prevention Door Hanger Initiative;
- Theft from Auto Prevention Report Card;
- Campus Safety survey;
- Case Watch.

Findings and Recommendations

Finding 1: UCPD's effort to develop and maintain a robust community affairs program is not centralized or coordinated.

Recommendation 1A: The essential nature of the community affairs function within the UCPD should be recognized and appropriate resources dedicated to it.

Recommendation 1B: The Community Affairs organization, as currently described in the Organization Chart, should be elevated to a more prominent position in the organization and should be staffed appropriately. The newly created position of Director of Community Police Relations appears to be the appro-

priate position for leadership of the organization.

Recommendation 1C: UCPD should create a separate Community Affairs Office that has dual reporting to both the Director of Community Police Relations and the Chief, thereby providing for greater visibility and operating authority throughout the Department.

Recommendation 1D: The existing SOPs should be reviewed and revised to reflect the new structure and mission of the unit, and consistent with current practice, its responsibility for community based crime prevention activities.

Recommendation 1E: Consideration should be given to whether the Victim Services Coordinator belongs in the Community Affairs Office or whether it might be more appropriately housed elsewhere within UCPD or the University.

Finding 2: Beyond the Director of Community Police Relations, daily supervision and leadership of the Community Affairs Program currently relies on the good faith efforts and initiative of the Community Engagement Officer and the Public Information Officer, both of whom lack the formal responsibility or authority to be able to implement ideas and programs effectively.

Recommendation 2A: The daily activities of the Community Affairs Office should be managed by a supervisor with formal operational authority to manage all of the various components of the Community Affairs mission, who has dual reporting to both the Director of Community Police Relations and the Chief.

Recommendation 2B: The supervisor position could either be a civilian title or a uniformed title but should be of sufficient stature as to be able to coordinate resources across the organization, particularly those resources that are not specifically assigned to Community Affairs duties.

Recommendation 2C: The Community Affairs Office should be staffed by a minimum of two officers whose sole responsibilities are community affairs duties.

Recommendation 2D: UCPD should assign officers throughout the Department as community liaisons to designated community groups, reporting in this function to the Community Affairs Office.

Recommendation 2E: UCPD should consider revising the provision of the Collective Bargaining Agreement that prescribes a four-year rotation period for CAOs given:

- The nature of the assignment is such that it requires a specialized type of experience and, perhaps more importantly, a strong sense of commitment by the assigned personnel;
- It is counterproductive to reassign qualified and committed staff from these positions;
- It results in a loss of continuity and institutional memory; and
- It diminishes morale and removes the incentive to excel.

Recommendation 2F: UCPD should design and implement a selection process for the Community Engagement Officers which evaluates candidates against the specific qualifications necessary for effective performance of the function, and includes the opportunity for community and student body input.

Finding 3: The Community Affairs Office staff is not currently receiving proper training.

Recommendation 3A: Community Affairs Office staff should receive specialized training on, among other things, the following topics:

- Public Speaking
- Crime Prevention (National Crime Prevention Council and Community Oriented Policing Services)
- Crime Prevention through Environmental Design (CPTED)
- Labor Relations
- Social Media

Finding 4: UCPD does not have a dedicated Event Coordinator who would be charged with primary responsibility for public safety planning for, resourcing of, and response to the myriad of events occurring on campus.

Recommendation 4A: UCPD should establish the supervisory position of Event Coordinator, with appropriate staff, whose responsibilities would include, but not be limited to:

- Review event permit applications in the University database and communicate with event planners to address security and safety concerns.
- Conduct a risk analysis of proposed special events to

determine the mitigation actions required including the number and type of security staff needed.

- Coordinate provision of security staffing and operations supporting events with university departments that facilitate events, including Transportation, Fire Safety, Facilities Management, Campus Activities, Hospitality, and Campus Filming.
- Represent the department in regular campus event and stadium event management meetings, and attend occasional production meetings, event walk-throughs, or meetings with individual event organizers.
- Plan and assign department staffing for events and security details.
- Prepare detailed written instructions/post orders for officers assigned to event or security details, and write operations plans for large or complex event details.
- Prepare and send cost estimates and invoices to event organizers for department event staffing, and assist department accounting staff in following up with event organizers regarding unpaid invoices.
- Serves as officer-in-charge for major event details conducting officer briefings and managing the events, such as student Move-in Day, football games, student concerts, Commencement and other major university events.
- Coordinate and liaise with outside law enforcement and public safety agencies regarding university events with wider impact, or community events that may impact both the university and surrounding community.
- Serve as UCPD point-of-contact for dignitary visits to the campus, coordinate with public or private security personal protection details (including Secret Service and protective details for other elected officials), and plan and arrange department staffing as needed.
- Serve as department point-of-contact for protests and demonstrations, and plan or coordinate department staffing as needed.
- Review and provide department approval for requests to serve alcohol at events at campus locations not licensed to do so, in coordination with Hospitality Services.
- Supervise any event coordination staff.

Finding 5: Our review found little evidence that UCPD has adequately integrated a problem-oriented policing approach into their policing practices.

Recommendation 5A: All UCPD personnel should be trained in a community policing problem solving approach.

Recommendation 5B: UCPD should consider enhanc-

ing the SARA model by adopting the CAPRA⁴¹ community policing problem solving model being used by the LAPD and other police departments in the U.S. and Canada.

Recommendation 5C: UCPD, in partnership with the communities it serves, should develop a problem solving approach to chronic crime and disorder problems.

Recommendation 5D: If UCPD continues to patrol off campus, then problem-solving groups should be established that include community residents and CPD.

Recommendation 5E: A policy should be developed that outlines the problem-solving program, and contain clear roles, responsibilities and expectations regarding the UCPD's problem-solving efforts.

Finding 6: While the UCPD currently has a number of effective crime prevention initiatives in place, additional programs should be implemented.

Recommendation 6A: UCPD should increase the number of CCTV cameras deployed in both the on and off campus communities, and should collaborate with both UCPD and CPD investigators to identify strategic locations to place the additional cameras.

Recommendation 6B: UCPD should institute a 'Safe Haven' program whereby local businesses register with UCPD, agree to display a distinctive logo on their storefronts that identifies them as a Safe Haven, and pledge to assist University affiliates in distress.

Recommendation 6C: UCPD should consider implementing Operation Blue Light, a program that authorizes UCPD personnel to mark property with an invisible ink discernible only under a special blue light.

Recommendation 6D: UCPD should consider implementing Operation ID, a nationwide program that aims to deter theft by permanently identifying valuable property with an indelible, inconspicuous, specially assigned number.

⁴¹ CAPRA is a Problem Solving Model from the Royal Canadian Mounted Police. It is a circular model, designed to reinforce the need to continually adapt, redefine, seek additional information, assess, respond, reassess, adapt responses, and reassess. The model focuses on the need to keep the clients and partners in mind at all times throughout the process. The letters stand for: C: Understanding CLIENTS (or COMMUNITY), their needs, demands, and expectations. A: ACQUIRING and ANALYSING information. P: Establishing and maintaining PARTNERSHIPS for problem solving. R: Application of RESONSE strategies to solve problems. A: Continuous ASSESSMENT of performance.

Recommendation 6E: UCPD should consider implementing PC PhoneHome/Mac PhoneHome, a program that allows authorities to locate a lost or stolen computer by identifying its location when the machine is connected to the Internet.

Recommendation 6F: UCPD should consider employing Stop Theft Tags, which possess a unique ID number that is entered into the STOPTHEFT worldwide database, and allow lost or stolen property to be reunited with its owner.

Recommendation 6G: UCPD should explore a Bicycle Registration program, where a permanent decal is affixed to the bicycle, thus giving it a unique ID number that is registered with the UCPD.

Conclusion

There are many productive Community Engagement initiatives at UCPD. Some initiatives are already in place and others that have not yet been implemented because of organizational and staffing deficiencies. Although there is the nucleus of a good community engagement program at UCPD, additional organizational and operational recommendations are presented herein to enhance this program even further.

H. Review of Encounters with Individuals with Mental Health Concerns

Introduction

The UCPD has a checkered past when it comes to dealing with individuals with mental health concerns. The University Hospital, which contains a large psychiatric ward, was within the UCPD's jurisdiction until December 31, 2012. On a number of occasions, UCPD officers have found themselves in potentially problematic situations with patients at this facility, most notably the 1997 shooting death of escaped mental health patient Lorenzo Collins, and the 2010 death of Kelly Brinson, who was tased inside of the University Hospital. These incidents left many to question whether the UCPD was properly equipped to handle policing people with mental illnesses. Understanding the types of mental illnesses that can affect people, and knowing how to handle people suffering from such afflictions is crucial for any university police force. Furthermore, studies have shown that college students are likely to develop issues including depression, and that police officers are typically the first line of contact for people who are undergoing a mental health crisis.

Currently, the UCPD has one policy on mental illness response. The policy is antiquated and applies to the hospital

that the Department no longer contracts with. To its credit, interviews with officers revealed that a significant majority of the Department has undergone Crisis Intervention Training (CIT), a 40-hour course that includes discussions with mental health providers and family advocates, and role playing exercises. In addition to CIT, officers complete a yearly two hour Ohio Attorney General's online training course on de-escalating mental health crises. A minimum of two CIT trained Officers are assigned to each patrol watch, with this number expected to grow as more officers receive this training.

The frequency of mental health responses has not historically been captured on a department-wide level. Anecdotally, one officer stated that she responded to approximately three mental health crisis calls during her two-year employment with the Department. Such calls pertained to possible depression and anxiety caused by a student being away from home for the first time, as well as romantic relationship disillusionment. The common practice, not supported by any formal policy or procedure, is for officers in such cases is to transport students to the Student Health Center on the campus. When incidents like this occur during non-business hours, common practice is for officers to transport students to Deaconess, a City mental health facility near campus. There is, however, no SOP supporting this protocol.

While UCPD does stress CIT training for the majority of their officers, thus recognizing the increasing occurrence of this type of event in its police work, it is important to delineate the following concerns that face police, particularly campus police, while dealing with individuals suffering from mental health issues:

- Police officers are typically the first line of contact for people who are undergoing a mental health crisis;
- Mental illness typically manifests itself in people ages 16-24 (college age);
- Nearly 10% of all police contacts involve some aspect of individuals suffering from mental illness;
- People who suffer from mental illness are more likely to harm themselves than others;
- In a college campus environment, despite a host of resources available to most college students during business hours, campus police are typically the only resource available 24 hours a day, 7 days a week and during the hours when students are most likely to experience manifestations of their illnesses;
- Handling of a mental health crisis becomes increasingly dangerous when alcohol or drugs have been consumed - an increased risk within a University setting;
- Diversion to imprisonment rather than mental health services prolongs possible treatment, overcrowds jails,

and ultimately, increases and exhausts the use of law enforcement and criminal justice resources.

Findings and Recommendations

Finding 1: While there are some existing practices, UCPD does not have adequate policy or procedures articulating how to deal with incidents involving individuals suffering from mental health issues.

Recommendation 1A: UCPD should establish clearly written policies and procedures based upon existing best practices used by other campus police departments.

Recommendation 1B: The new policy should include a list of generalized signs and symptoms of behavior that may suggest mental illness.

Recommendation 1C: The new policy should include a list of indicators that will help an officer determine whether a person with a mental illness represents an immediate or potential danger to him/herself, the officers, or others.

Recommendation 1D: The new policy should include guidelines for officers to follow when dealing with persons they suspect are mentally ill. These guidelines should, at a minimum, include:

- A requirement that officers request backup when responding to situations involving a mentally ill person, especially when there is the potential for an arrest;
- A section that makes clear that the officer's objective is to de-escalate, in effect to calm the situation, and provides techniques for doing so;
- Procedures for placing a mentally ill individual under arrest; and
- Procedures for transporting that individual.

Recommendation 1E: UCPD should review applicable reports from other jurisdictions, including the University of Southern California General Order on Responding to Persons with Mental Illness, and the report from the County of Los Angeles Mental Health Advisory Board, and incorporate suggestions from those reports in policies, procedures, and training.

Finding 2: There is no holistic or synergistic approach being used among all affected University entities that may be

called upon to deal with individuals suffering from mental health issues.

Recommendation 2A: The University should implement a Student Concerns Committee similar to those in place at other universities. This committee should consist of first responders and those potentially in a position to take early notice of irrational student behavior, including: a UCPD representative, preferably at the command level, and representatives from other university offices, such as student affairs, student health and disability service providers, residential life, student counseling, student judicial affairs, and veteran resources.

Recommendation 2B: The Student Concerns Committee should meet on a weekly basis to discuss issues that took place during the previous week and are potentially related to mental health, and collaboratively create a plan of action. Such action may include contacting a counselor to meet with the student, delaying the student's academic demands (to assist with issues such as anxiety), or simple monitoring.

Finding 3: There is no apparent recognition of potential peak periods of stress for students that may bring on increased manifestations of emotional crisis.

Recommendation 3A: Until all UCPD officers are CIT certified (see Recommendation 4A), to the extent that it is practical, UCPD should ensure that additional officers trained in crisis intervention are deployed during potential peak periods of stress for students (midterms, finals, holidays), including at least one CIT trained officer working on each tour.

Finding 4: While UCPD's current mental health training practices exceed those of most other Campus Law Enforcement Agencies, there are additional measures that represent best practices in this area.

Recommendation 4A: All sworn officers should be trained and certified in Crisis Intervention, with documented refresher training on a bi-annual basis.

Recommendation 4B: UCPD should utilize UCMC experts to educate officers on issues specific to student populations, particularly those within the University community. This should include sensitivity training, highlighting the challenges faced by students who are away from home for the first time.

Recommendation 4C: UCPD should consider establishing proactive response teams pairing an on-call UCMC clinician with a law enforcement officer to provide emergency field response to situations involving mentally ill, violent, or high risk individuals.

Finding 5: UCPD does not currently keep a record of all encounters with individuals suffering from mental illness.

Recommendation 5A: After every encounter with an individual suffering from a mental illness, UCPD should mandate detailed reporting for inclusion in the ARMS system.

Recommendation 5B: In order to improve performance, UCPD should annually audit its handling of mental health-related calls and incidents for that year.

Conclusion

Despite a history of problematic interactions with individuals having mental health issues, the UCPD's current mental health training and implemented informal practices are satisfactory. There are still a number of enhancements, however, that the UCPD needs to make. The recommendations made herein are designed to ensure that the UCPD continues to improve its ability to work with individuals with mental health issues, thus minimizing the likelihood of encountering situations that could unnecessarily lead to the use of deadly force.

I. Review of Equipment

Introduction

In the aftermath of the shooting death of Samuel DuBose, questions arose as to the quality and nature of the weapons with which the UCPD was arming its officers. That question was broadened for purposes of this review to a mandate to look at all equipment utilized by UCPD. The Exiger team also included as part of the review, a look at existing facilities to determine whether the facilities meet the needs of UCPD and comport with best practice.

With regard to weapons, it is common sense that there is a reduction in the likelihood of serious physical injury or death to both suspects and officers during a confrontation where the patrol officer is equipped with a range of appropriate non-lethal weapons. UCPD has, however, previously restricted the spectrum of less-lethal weapons available to its officers. Notably, in August 2011, UCPD removed use of TASERS

as the result of two TASER related deaths within a 20-month period. One of the purposes of this portion of the Review was to determine whether any change to that policy should be made.

In completing this section of the Review, the Exiger team conducted a thorough analysis of the equipment currently being used by the UCPD. For purposes of this introduction, we will provide a brief description of this equipment, which can be broken down into the following categories: communications equipment, vehicles, technology (including audio-visual equipment), weapons, hazardous device response equipment and facilities.

With regard to communications equipment, UCPD currently has 170 radios for all members of public safety, including police, security, fire inspectors, technicians, and communications personnel. This number also includes spare and back up radios as well as radios designated for special assignments such as command centers, auxiliary police and Campus Watch. The number appears to be sufficient and the quality of the devices appears to be adequate, allowing for appropriate operational communications.

With regard to vehicles, UCPD currently has 27 vehicles (marked and unmarked). 12 of the vehicles are equipped with Mobile Data Terminals (MDTs) and one has a License Plate Reader (LPR). Additionally, the UCPD has four Harley Davidson motorcycles, four Segway Transporters, and five patrol bicycles for alternative patrol units. There are an additional 22 vehicles in the UCPD inventory, including three Fire Prevention vehicles, four Alarm Technician vehicles, five Access Control vehicles, and 10 vehicles for the Night Ride program. A visual inspection of vehicles that were observed showed that the fleet is in generally good repair.

With regard to technology, the UCPD has the aforementioned MDTs and LPR, as well as ten tablets that are issued to the Night Ride program. In addition, UCPD officers told Exiger that there are approximately 30 desktop computers and approximately 30 laptop computers. Exact numbers were not supplied, nor were any serial or identification numbers.

There are 269 surveillance cameras placed throughout the campus with approximately 25 of them being Point/Tilt/Zoom (PTZ) cameras and the rest being fixed focus cameras. UCPD officers informed Exiger that the PTZ cameras need new upgraded components. There are 10 cameras available for investigative purposes as well as a handheld video camera for filming any demonstrations. The

UCPD also has five GPS tracking units and three crime scene processing kits.

With regard to weapons, each officer is issued a Sig Sauer .40 caliber handgun as well as an expandable baton and OC (oleoresin capsicum or pepper) spray. Each officer must receive training and qualify with these weapons before being allowed to deploy with them. The UCPD has, for use in an active-shooter situation, 20 Remington 12 gauge shotguns and 20 AR15 rifles, which are deployed in the trunk of patrol vehicles. There is also a single Remington bolt-action sniper rifle designated as a SWAT weapon. Once again, officers must be trained in their use and qualify with each of these weapons before being authorized to utilize them. In addition, the UCPD has two 40mm Launchers for use with less-lethal projectiles, such as bean bags; the launchers can only be operated by trained supervisors. Finally, there are 16 side handle PR-24 Batons which policy states can only be used by properly trained and qualified officers for riot control situations. There does not, however, appear to have been any recent training in riot control or relative to the use of the PR-24 batons.

In evaluating UCPD's available weapons, the lack of CEDs, of which TASER is one brand, was notable. As indicated above, UCPD did provide CEDs to its officers before 2011, but removed them from use after a second fatal incident involving the deployment of a CED. As the two fatal incidents vividly point out, less-lethal weapons, including CEDs are not a panacea, nor do they entirely remove the risk of serious physical injury or death. What less-lethal weapons are intended to do, however, is provide an officer with an alternative to the use of deadly physical force, and in the case of a TASER, an alternative to close combat with strikes, batons, or OC spray. The provision of the less-lethal alternative serves to lessen the risk of serious physical injury to both the suspect and involved officers.

With regard to hazardous response equipment, UCPD has a Hazardous Devices Unit for response to Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) weapons of mass destruction. This is becoming more common in universities located in urban environments, and UCPD has well-equipped this unit. UCPD has two full bomb suits, two Self-Contained Breathing Apparatus (SCBA) and numerous other protective items as well as equipment, including a remote-controlled bomb robot, to help them detect and disrupt explosive devices. In addition to the equipment for the designated Hazardous Devices Unit, the UCPD also have 10 Kevlar Helmets, 25 M40 Gas Masks, 50 CBRN filters for those masks,

and 25-rubber chemical over boots – presumably for additional officers to use in case they do have a CBRNE incident. There are two canine officers who deploy with dogs trained for explosive work, not patrol work. These units are particularly useful during special events such as dignitary visits, political rallies, or major sporting events.

With regard to facilities, the Exiger team has reported on the inadequacy of UCPD training facilities elsewhere in this report. In addition to this deficit, Exiger also noted that UCPD does not currently have an Emergency Operations Center from which emergency personnel from UCPD and Office of Emergency Management can operate for both planned and unplanned events coordinating with outside federal, state, and local agencies.

Findings and Recommendations

Finding 1: While UCPD is very well-equipped to handle situations in which deadly force is required, a significant gap in the less-lethal force continuum exists. UCPD does not currently utilize CEDs, removing an option that would allow officers the ability in appropriate circumstances to disable an individual from a safe distance and avoid potential resort to deadly physical force.

Recommendation 1A: UCPD should re-deploy CEDs under whatever constraints may exist from the settlement of prior lawsuits, thereby expanding the alternatives that its officers have to the use of deadly physical force.

Recommendation 1B: UCPD should review all policies and procedures related to the use of CEDs to include, but not be limited to, when the use of the devices is authorized and the allowable number of discharges of the device.

Recommendation 1C: UCPD should develop intensive training on the use of CEDs and the relevant policies related thereto. Training should include scenarios in which the utilization of CEDs is appropriate and those instances where it is not.

Recommendation 1D: UCPD should designate an officer as a CED training officer; that officer should receive training as a trainer and whose responsibilities should include remaining current on all relevant literature and data on the use of CEDs.

Finding 2: There is currently limited utilization of video sur-

veillance in the off-campus designated patrol areas.

Recommendation 2A: UCPD, working with CPD and appropriate neighborhood organizations, should consider providing significantly greater deployment of video surveillance in the off-campus patrol areas. Video surveillance can potentially be monitored for crimes in progress, holding promise for both apprehension and deterrence, as well as being reviewed as an evidentiary tool in the case of a past crime.

Finding 3: Components of the currently deployed on-campus video surveillance system should be upgraded.

Recommendation 3A: A review of all existing video surveillance equipment should be undertaken in conjunction with the exploration of an off-campus video system.

Finding 4: UCPD has 16 side handle PR-24 Batons for use in crowd control. By policy, these batons can only be used by trained and qualified officers, and yet the requisite training has not been provided.

Recommendation 4A: UCPD should develop or adopt appropriate training for the use of the batons, and ensure that every sworn member of UCPD receive such training in order to be properly qualified for use of the baton in crowd control.

Finding 5: UCPD's method of tracking equipment does not comport with best practice.

Recommendation 5A: UCPD should evaluate and choose an automated, commercial off-the-shelf product for tracking of all equipment.

Finding 6: UCPD maintains a remote controlled bomb robot within its inventory. It is unclear if any member of the department is appropriately trained on its use, nor are there policies in place for its deployment and utilization.

Recommendation 6A: UCPD should evaluate the need and potential utilization of the bomb robot. UCPD should consider the mutual aid agreements with and response times of bomb squads in neighboring jurisdictions against the total cost of maintaining the robot and providing adequate training for its utilization.

Recommendation 6B: Should the above-recommended evaluation conclude that there is justi-

fication to retain the robot, appropriate initial and refresher training and qualification of a select group of sworn officers on the utilization of the robot and related skill sets including bomb disposal should be developed and deployed. Training should include exercises with those agencies that would provide mutual aid in relevant situations.

Finding 7: UCPD maintains a Remington bolt action sniper rifle within its equipment inventory designated as a SWAT weapon. It appears that no member of the department is trained on its use, nor are there policies in place for its deployment and utilization.

Recommendation 7A: UCPD should evaluate the need and potential utilization of the sniper rifle taking into consideration mutual aid agreements with and response times of SWAT teams in neighboring jurisdictions against the total cost of maintaining adequate training for its utilization.

Recommendation 7B: Should the above-recommended evaluation conclude that there is justification to retain the rifle, appropriate initial and refresher training and qualification of a select group of sworn officers on the utilization of the rifle should be developed and deployed. Training should include exercises with those agencies who would provide mutual aid in SWAT situations.

Finding 8: UCPD does not currently have video recording capabilities in their vehicles.

Recommendation 8A: UCPD should consider the installation of in-car video as an adjunct to the current deployment of body cameras, providing for potential additional views of and redundancy in any critical incident.

Conclusion

A police department that is properly equipped is in a much better position to safely and effectively discharge its mission. UCPD is a generally well-equipped department. The return of TASERs to the Department and the implementation of the other recommendations made herein will put the Department in an excellent position to not only safely and effectively discharge its mission, but also to restore community trust in the Department.

J. Review of Technology

Introduction

A law enforcement agency's vision for technology must be driven by its operational objectives and goals for public safety. When utilized effectively, a police department can leverage technology to enhance how the community and the police interact. The future of technology in any agency should focus on moving the agency into the digital age, enabling its officers and community to leverage quickly-advancing mobile technologies and should always include clear metrics for determining the outcomes realized by each technology implementation. In this manner, technology can become a force multiplier, increasing efficiency and effectiveness and reducing crime. Equally as important, a successful technology program can elevate the police experience for the community member, shifting the interaction with the police from a "response" to a "service."

One significant technology that the UCPD is currently using is body cameras. UCPD began researching body cameras in 2013. The Department tested multiple cameras, and ultimately selected the Axon Body 1 from TASER International (TASER). The initial deployment of body cameras did not leverage TASER's hosted storage and video management solution, Evidence.com. Instead, the UCPD decided to store the video locally on premise. When Chief Goodrich joined UCPD, he approved the transition to Evidence.com, and the UCPD began using the hosted solution for storage and video management. All video from the initial deployment, however, remains in local storage and had not been migrated to Evidence.com.

UCPD is also currently making use of dispatch technology. Dispatch technology typically includes a 9-1-1 telephone system for the receipt of 9-1-1 calls, a CAD system utilized to deploy officers to incidents in the field, a radio system for officer communications, and a radio and voice logger to record all 9-1-1 calls and radio transmissions. Many dispatch centers are supplemented with various other ancillary systems and responsibilities, depending on the operations of the particular agency.

The UCPD has utilized the Motorola PCAD platform for CAD since 2006. Dispatchers access CAD via the consoles in the dispatch center, and officers in the field access CAD via the MDC's in the vehicles. The CAD platform is provided by the City of Cincinnati via a lease arrangement. The City of Cincinnati supports the CAD platform itself (hardware and software), and University Public Safety Technical Services staff supports console workstations in the UCPD dispatch center. UCPD staff can pull incident history from the CAD, however,

other data appears difficult to access. In addition to dispatching its own officers, the UCPD also performs the dispatch function for Cincinnati State.

The City of Cincinnati is decommissioning the Motorola CAD platform and migrating to a CAD developed by TriTech later in 2016. The City police department and UCPD will move at the same time. The City will provide training to UCPD dispatch. The UCPD is expected to have better access to dispatch data via the TriTech platform than it does on the current platform.

UCPD's 9-1-1 telephone capabilities are integrated with and dependent on the University of Cincinnati phone system. The UCPD utilizes a platform called Higher Ground to record 9-1-1 calls and radio transmissions.

UCPD also has public safety IT systems supported by Public Safety Technical Services, under the direction of the Technical Services Manager, including, but not limited to:

- Alarm System
- Access control and badging (and a related third party reporting system)
- DVTEL video management system (for CCTV)
- Key management system
- SMS server as back up to Nixle
- Nixle administration
- GTRI monitoring system
- Iris reader for secure doors
- Fire Inspection System
- Web Check for fingerprinting

UCPD also has Public Safety Technical Services, under the direction of the Technical Services Manager, including the following resources:

- 2 IT (1 Hardware/Systems, and 1 programmer) for desktop support
- 2 front desk (badging, card access, finger printing, web checks)
- 1 Supervisor (card readers, door lock schedules, cctv cameras)
- 2 Technicians (card readers, door lock schedules, cctv cameras)
- 2 Lock Smiths
- 1 Fire Supervisor (service alarms and smoke detectors)
- 6 Fire Technicians (service alarms and smoke detectors)
- 1 Fire Inspector Supervisor
- 3 Fire Inspectors

Findings and Recommendations

Finding 1: UCPD has implemented body cameras which already places it ahead of most University police departments. The body camera policy, however, does not address a number of issues, including how video is handled subsequent to an incident involving a shooting or serious use of force.

Recommendation 1A: UCPD should implement a requirement that each officer create a test recording before they deploy to the field each day to ensure the camera is functional. If a camera is not functioning properly, the officer should be required to check out a new, functioning camera before he/she deploys to the field.

Recommendation 1B: The policy should address how to specifically handle video in use of force cases (i.e., who takes custody of the camera, who uploads and reviews the video, when should an officer review video, etc.).

Recommendation 1C: Those developing the body camera policy should continue to refine and improve the policy as lessons are learned throughout the deployment. They should also collaborate with other agencies that have deployed cameras to learn from those experiences.

Recommendation 1D: The UCPD should consider including the body camera policy as a topic of discussion in community forums, student body meetings, etc.

Finding 2: The battery life of the body cameras is only 7-8 hours. Some of the cameras deployed go into “offline mode,” which means the camera must be “reassigned” to the officer in Evidence.com by the system administrator. UCPD purchased very limited storage space (400 GB of storage for the entire camera deployment), which will fill up quickly, requiring video to possibly be deleted earlier than retention requires.

Recommendation 2A: UCPD should consult a subject matter expert to assist in negotiating an agreement for cameras and storage so that it includes a number of critical terms (e.g., discounted pricing; a “termination for convenience” clause; the appropriate level of on-site training and support from the manufacturer; etc.). At a minimum, the contract should include increased cloud storage and the ability to swap out

cameras as technology advances.

Recommendation 2B: UCPD should identify any video in the UCPS on premise storage that must be retained into the future, and work with the storage provider to migrate that video to the cloud for long-term storage.

Recommendation 2C: UCPD should consider engaging a provider for additional system training, to ensure the Department is making full use of the features and functionality of its video management system.

Finding 3: Officers are not consistently categorizing the video as they capture it, leaving a considerable number of uncategorized videos. This could have a significant impact on video retention, and UCPDs ability to produce video as required by law. The current practice is to label or “tag” each video with a suspect’s name.

Recommendation 3A: UCPD should modify its practice of tagging video with only a suspect’s name. Instead, it should consider utilizing additional identifiers, such as the CAD incident number and/or an RMS record number.

Recommendation 3B: To aid in the effort of properly tagging video, UCPD should consider contracting with a vendor that allows for CAD integration with its video management system. By interfacing with CAD, the video management system would be able to utilize various attributes (e.g., date, time, geo-location, officer involved, etc.) to automatically associate video with the related incident in CAD.

Finding 4: ARMS, an electronic records management system, appears to be well supported and is being upgraded to the most recent version of the software.

Recommendation 4A: The UCPD, in conjunction with the IT staff, should ensure that all business/functional requirements for ARMS are clearly documented and that testing of the upgraded ARMS is conducted against those requirements before the system is accepted.

Finding 5: Currently, officers must return to a station or substation to complete a report in ARMS.

Recommendation 5A: The UCPD should consider implementing an ARMS Mobile Product on MDCs and/or tablets to enable officers to complete reports from the

field. This could be accomplished by issuing a mobile device to each officer, or by deploying tablets to various locations across campus.

Finding 6: The dispatch center includes three CAD positions for dispatching, but only two of those positions are equipped with a radio console.

Recommendation 6A: The UCPD should add a radio console to the third position so the Department can better handle multiple calls at the same time.

Finding 7: A 9-1-1 call typically comes into the dispatch center with only a phone number or a name to identify the caller, and without a building name, address, or room number. If a caller is unable to identify their specific location, the dispatcher must look up the phone number or name in a separate University directory to determine the location of the caller.

Recommendation 7A: UCPD should implement a 9-1-1 system that provides the actual geo location of the call, as is standard in dispatch centers across the country. Moving to a traditional 9-1-1 platform also allows the UCPD to consider enabling “text-to-911” functionality, as well as “next generation” dispatch functionality (i.e., digital photos and videos to 9-1-1).

Finding 8: The UCPD has implemented “Live Safe,” a mobile application that allows students to text tips to UCPD Dispatch and attach photos, call the campus police, or dial 9-1-1. Dispatchers monitor the system for tips, and to ensure that if a true emergency is submitted as a tip, officers can respond accordingly. The Live Safe app also provides “follow me” functionality so a student can have a friend watch his/her location as they walk across campus.

Recommendation 8A: Live Safe provides a great safety feature that should be implemented at colleges across the country. The UCPD should explore ways to expand adoption both on campus and potentially off-campus as well.

Finding 9: The existing card access system that controls the doors on campus buildings is going to expire and must be replaced. While the vendor will offer limited extended support until 2020, it is growing increasingly difficult for IT staff to support the system and obtain replacement parts for the system.

Recommendation 9A: Funding for a replacement card access system should be identified, and an RFP should be drafted for the procurement of a new system.

Recommendation 9B: As part of the preparation for procurement, Public Safety Technical Services should document the requirements for a replacement system and include a plan for potentially integrating the card access system with an existing key management system that was developed in-house.

Finding 10: Public Safety Technical Services lacks project management resources to manage system implementations. IT projects may be at risk not because of technical issues, but due to lack of proper project management.

Recommendation 10A: The University should consider adding one IT Project Manager to its Public Safety Technical Services staff to ensure large IT projects are implemented according to IT project management best practices.

Recommendation 10B: Public Safety Technical Services should engage in a study to determine the appropriate IT staffing levels. It appears that additional Technicians are likely required to support the IT needs of the Department.

Conclusion

If implemented properly, the UCPD can utilize technology to improve efficiencies and productivity, enhance situational awareness, and increase public trust. The existing public safety technology appears to be maintained and supported from a technical perspective. However, to grow as an organization, the IT organization must be positioned and resourced to also support system upgrade and replacement, as well as support new and emerging technologies, such as body worn cameras and next generation CAD. Further, the UCPD must invest the time and resources in developing policies and training for each of its technologies to ensure consistent use and application of the various systems.

K. Review of Data Collection Systems, Data Usage, Automation, and Records Management

Introduction

The collection of data is not new to law enforcement. Since the 1930s, the federal government has asked local law enforcement agencies to report regularly on specific crimes in order to monitor and assess crime in America. The primary objective of the reporting was to generate reliable information for use in law enforcement administration, operation, and management. Over the years, however, such data collection has become one of the country's leading social indicators and has enabled various governmental research and planning initiatives.

Today the amount of data and its use by law enforcement is limited only by an agency's imagination. And, with growing local and national concerns regarding the constitutional practices of law enforcement agencies and officers, there is a heightened need for law enforcement agencies to harness data in new, myriad ways in an on-going and proactive manner.

The shooting of Samuel DuBose has caused many to question what data collection and analysis was being performed by UCPD and whether his death could have been prevented with more thoughtful analysis. While the scope of this review will cover what data is or should be collected and used by UCPD for administrative, operational, and management purposes, it will also look at what types of data is or should be collected and used by UCPD to engage in proactive risk management efforts to ensure constitutional policing by UCPD personnel.

As discussed in the previous section, UCPD currently utilizes a CAD system owned and operated by the CPD. This CAD system is in the process of being upgraded and coordinated with the Hamilton County CAD system. The new CAD system is being provided by TriTech, a company utilized by many law enforcement agencies nation-wide. UCPD will also be part of this new CAD system. By being part of this new multi-agency CAD system involving Hamilton County, the City of Cincinnati, and UCPD, each agency will have real-time information for all law enforcement, fire, and EMS activities within each jurisdiction and allow for coordinated responses.

The current UCPD CAD system allows for the collection of data that is reliable, and consistent with best practices in law enforcement. The CAD system functions include resource management, call taking, location verification, dispatching, unit status management, and call disposition. The CAD system also properly categorizes incidents through a uniform coding system; that coding system is consistent with the

CPD CAD system, thereby allowing personnel from both agencies to readily identify and understand the types of incidents to which they are responding. The data entry interface for CAD has specific data fields and utilizes pull down menus for data entry thereby limiting the ability of the data entry person to enter inconsistent information.

UCPD currently utilizes an electronic records management system called ARMS developed by End2End, a leading records management system provider for law enforcement. ARMS allows for the storage, retrieval, and viewing of information, records, documents, and files related to UCPD's law enforcement operations. The ARMS system is up-to-date and is utilized by UCPD for the majority of its reports, including offense reports, information reports, and traffic reports. UCPD's ARMS system tracks all relevant data for mandated Uniform Crime Report submissions and Clery Act submissions. In addition to the basic crime and informational reports, UCPD's ARMS system allows for entry of evidence records, crime scene photos, and other types of records that can be scanned and linked to an incident, such as signed witness statements and booking papers. The typical incident report contains the factual information for the incident, including offense information, suspect information, evidence, case status and information pertaining to perpetrators, witnesses, and victims. Once reviewed and approved by a supervisor, the report is locked and cannot be edited or changed. UCPD's ARMS system also allows for the use of supplemental reports, which is used to add new information to the initial incident report. Once approved, supplemental reports are also locked and stored. UCPD investigators also utilize the ARMS system to record their investigations.

UCPD is in the process of adding the Use of Force Module offered by ARMS. This module allows use of force information to be reported and stored with the related incident. UCPD, however, has not obtained access to ARMS' module for Field Contacts. A Field Contact is typically triggered when the law enforcement officer observes suspicious or unusual activities of interest; these observations would not otherwise be documented in a records management system as such systems are used to report and store information related to criminal and non-criminal events (e.g., traffic collisions). In addition to basic information related to time and location, general circumstances, names and descriptions of persons, identifying information on vehicles or other property, the Field Contact Module allows for the collection of demographic data for analysis of potential biased policing problems. Realizing the need to collect this type of data for analysis, UCPD created a Microsoft Access database to track demographic data associated with pedestrian and traffic

stops. This Access database, however, does not feed into ARMS.

UCPD's ARMS system allows for immediate access to incident reports and records related to the incident. The ARMS system also has the ability to generate the mandated Uniform Crime Report and Clery Act reports. In 2013, UCPD began working with UC and CPD personnel to study and analyze crime occurring on campus and in the immediate area surrounding UC. Data from ARMS has been leveraged during biweekly meetings with UCPD and CPD command staff and senior UC Administrators. The ARMS data, along with other strategies, has successfully led to the overall reduction of crime in the last two years. The collection and analysis of crime data from ARMS is performed by ICS.⁴²

UCPD utilizes two hard copy forms to track off-campus properties associated with UC students. The Dispatched Party Location Form is used by patrol officers when they are dispatched to a report of a loud party off campus that may involve UC students. UCPD receives notification of these by several means, including: phone call to UCPD, Livesafe phone app, notification from CPD, and proactive patrol. This data is collected and stored in a Microsoft Access Database. The Party Problems Form is used by patrol officers to check off-campus properties known to be occupied by UC students and to have a history of loud parties or excessive trash in the yards, among other things. A property will make it on this list if it is noted for any violations two or more times during a 30-day period. The property will remain on this list until 30 days pass with no activity. Patrol officers will check the properties nightly and note their findings. This data is collected and stored in a Microsoft Access Database.

UCPD works with ICS on crime analysis. ICS obtains the data for its analysis by accessing the data in UCPD's CAD system and ARMS system. The Dashboard created by ICS provides data analytics and visualization, as well as crime analysis and mapping for the UC campus and the immediate area surrounding the campus.

Following the shooting of Samuel DuBose, UCPD revised its field contact form (now Contact Card) to collect data related to traffic and pedestrian stops. The Contact Card now requires the recording of demographic data related to a stop. UCPD officers are required to complete a Contact Card for

⁴² The Institute of Crime Science provides evidence-based, empirically tested solutions for national, regional, state, local and international law enforcement and criminal justice agencies. Aside from this use of ARMS data by ICS for the bi-weekly meetings, UCPD does not utilize ARMS data for regular crime, operational, staffing or performance analytics with UCPD personnel. Additionally, the ARMS table structure is complicated and makes the pulling of data for aggregate reporting and analysis difficult.

all involuntary stops. The data collected from Contact Cards is stored in a Microsoft Access database. If the stop leads to a citation or arrest, the Contact Card is scanned and stored in the ARMS database. The Microsoft Access database collects the following data from the Contact Card: report number, officer(s) name, date, time, location, whether the stop was initiated by the officer, the reason for the stop, and the action taken. The database also collects information on the race, gender, and approximate age of the individual stopped. The Microsoft Access Database is user friendly; the user can either check boxes related to the data collected on the forms or make a selection from a pull down menu for available options. This allows for uniform data collection and reduces the chances for input errors.

UCPD currently utilizes Guardian Tracking software to document employee performance and to flag potential patterns in employee performance for early intervention. In early 2015, the prior UCPD administration established the software's use-parameters. For performance issues, Guardian Tracking software comes with stock categories and sub-categories, but also allows for customization. Categories utilized by UCPD include: Awards/Recognition, Staff Employee Performance, General, Recognition Classification, File Purposes, Leadership, Professional Standards, and Discipline. UCPD has also identified over 80 sub-categories to track employee performance. Many of the sub-categories are duplicative and some sub-categories have not been used at all. Having too many sub-categories, some of which are duplicative, causes not only confusion but also inhibits the ability to properly track employee performance and identify potential patterns that may need intervention. UCPD utilizes three flagging categories and 19 sub-categories. Sub-categories are then weighted based upon seriousness and then time periods are chosen for which a total score will trigger a flag. For example, a score of 3 in 90-days. UCPD's categories and sub-categories have duplicate fields with inconsistent criteria. For example, the same sub-category is weighted differently for different flagging categories. Additionally, the weight chosen for the different sub-categories appears arbitrary and illogical.

By inputting employee performance into an electronic database, UCPD has provided immediate access to employee performance data to not only supervisors and management, but also to the employees themselves. This allows managers, supervisors, and employees to be regularly informed on performance issues and to take appropriate action. The interface of Guardian Tracking is simple and user-friendly. After selecting the appropriate performance category, the user identifies the date and the person being reviewed. Then,

there is a text field for the user to document appropriate performance issues. Relevant documentation can be attached to the entry. Once the entry is completed, it is sent to the relevant supervisor or manager for review and approval.

Findings and Recommendations

Finding 1: UCPD is currently using several different systems for collecting and storing data, including the CAD system, ARMS, Guardian Tracking, the ICS Dashboard, and a number of unconnected Microsoft Access Databases.

Recommendation 1A: To the extent that it is possible, UCPD should integrate its data collection systems into one large database where all of UCPD's information can be retrieved and analyzed. Alternatively, UCPD should create an umbrella program that would operate like a search engine to allow UCPD to search and pull relevant data from the various freestanding UCPD databases.

Finding 2: The UCPD CAD system does not allow for easy access to stored data, and is not integrated with the UCPD's ARMS system.

Recommendation 2A: UCPD should utilize its seat at the table in the TriTech CAD system upgrade to ensure that access to stored CAD data is easily obtainable and meets, at a minimum, UCPD's mandated reporting functions to the state and federal governments.

Recommendation 2B: UCPD should research whether the new CAD system from TriTech can be integrated into ARMS. Many electronic records management systems, including ARMS, allow for an integrated CAD that imports related CAD data into the electronic records management system's incident report, thus eliminating the need for manual entry of CAD-related data to an incident report and the risk of data entry errors.

Recommendation 2C: If integration is not possible, UCPD should continue to use the CPD CAD because the benefits of being connected with the CPD outweigh the benefits of UCPD having its own CAD that would be integrated into ARMS.

Finding 3: UCPD has not obtained access to ARMS' module for Field Contacts, and instead uses a Microsoft Access database to track demographic data associated with pedestrian and traffic stops. This database, however, does not feed

into ARMS.

Recommendation 3A: UCPD should evaluate the ARMS module for Field Contacts, and ensure that all required data fields can be reported through the module.

Recommendation 3B: If the data fields are not and cannot be included, or the ARMS' module for Field Contacts utilization is otherwise undesirable, UCPD should maintain the Microsoft Access database and ensure that all data is transferred into the ICS Dashboard.

Finding 4: UCPD's ARMS system allows for immediate access to incident reports and records related to an incident, and can generate mandated Uniform Crime Reports and Clery Act reports. UCPD does not utilize ARMS data for regular crime, operational staffing, or performance analytics with UCPD personnel.

Recommendation 4A: UCPD should work with ICS and UCPD IT experts to identify standardized reporting from ARMS data in a variety of formats, such as bar graphs, pie charts and line graphs, that will assist UCPD in analyzing crime, operational staffing and performance data on various indicators, including: current period vs. prior period, current period vs. historical period, percentage totals by beats shifts and personnel, and percentage change from prior periods.

Finding 5: UCPD utilizes two hard copy forms to track off campus properties associated with UC students—the Dispatched Party Location Form (DPLF) and the Party Problems Form (PPF). The data contained in these form are stored in a Microsoft Access database.

Recommendation 5A: UCPD should determine the feasibility of integrating the DPLF and PPF databases into the ARMS system. If integration is not possible, then UCPD should continue to collect this data and ensure that the data can be imported into the ICS Dashboard.

Finding 6: UCPD works with ICS on crime analysis. ICS has developed a visual, analytic tool that pulls crime data from both the CAD and ARMS systems, and analyzes crime, individual officer activity, staffing levels, and overtime expenditures. The tool can pull data from several different types of database applications, including Microsoft Access, and display the data in a variety of different ways on a dashboard

customized to exhibit relevant information at different levels of responsibility with UCPD and its supervisors.

Recommendation 6A: UCPD should continue to work with ICS to further develop the functionality of the ICS tool and its Dashboard.

Recommendation 6B: UCPD should, whenever possible, capture data relative to race, gender, age and ethnicity, so as to better foster transparency and legitimacy.

Finding 7: Following the shooting of Samuel DuBose, UCPD revised its field contact form (now Contact Card) to collect data related to traffic and pedestrian stops. The data collected from Contact Cards is stored in a Microsoft Access database, which is missing a number of relevant data fields.

Recommendation 7A: UCPD should add the following fields to its database: whether the stop was a traffic or pedestrian stop, whether there was a frisk or search of the person or property, and whether force was used during the stop. The addition of these fields will assist UCPD in identifying potential problematic behavior, patterns, or trends.

Recommendation 7B: Stop data should be monitored regularly as part of an early warning system, surfacing potentially at-risk behavior of policy violation or biased policing.

Finding 8: UCPD is currently using the Guardian Tracking software to document employee performance and to flag potential patterns in employee performance for early intervention. The interface of Guardian Tracking is simple and user-friendly, but UCPD is not currently using the categories and sub-categories correctly.

Recommendation 8A: UCPD should continue to utilize the Guardian Tracking electronic database for documenting and tracking positive and negative aspects of employee performance.

Recommendation 8B: UCPD should conduct a full review of the capabilities of the Guardian Tracking system and its potential interface with the ICS tool with an eye toward including Guardian Tracking data in ICS dashboards and therefore building a more full-some early warning system.

Finding 9: UCPD does not have a database for the collection

of data related to internal affairs complaints, their investigation or their dispositions. UCPD procedures state only that the Internal Affairs Lieutenant should maintain a log of internal affairs complaints, but UCPD has not done so consistently.

Recommendation 9A: UCPD should establish an electronic database to track and maintain data related to internal affairs complaints, and can readily communicate with other UCPD databases. The ARMS system should be used if it supports the intake, investigation, and tracking of such complaints. The minimum data that should be tracked, includes: Report Number; Complainant Name, Race, Gender and Age; Accused Name, Rank, Assignment; Time and Place of Occurrence; Allegation Types; Brief Description; Investigator Name, Rank and Assignment; Complainant Arrested; Charges Filed; Investigation Status; Investigation Details, Adjudications of Each Allegation and Discipline Imposed.

Finding 10: UCPD does not have a database for the collection of data related to use of force incidents and only maintains hard copies of force reports and investigations.

Recommendation 10A: UCPD should establish an electronic database to track and maintain data related to uses of force, and investigations thereof. To the extent that the ARMS system supports use of force reporting, investigation, adjudication and tracking, and is capable of exporting of relevant data to the ICS tool, it should be utilized. The minimum data that should be tracked, includes: Report Number; Officer/Guard Information; Time and Place of Occurrence; Suspect Name, Race, Gender and Age; Criminal Allegations; Arrested; Charges Filed; Types of Force Used; Brief Description; Resisting Arrest; Weapon Used by Suspect; Injury to Officer/Guard; Injury to Suspect; Investigator Name, Rank and Assignment; Investigation Status; Investigative Reports, Adjudications of Use of Force (In Policy/Out of Policy) and Discipline Imposed.

Finding 11: UCPD does not utilize a regular CompStat management accountability process with UCPD personnel. UCPD Command Staff does, however, participate in bi-weekly crime reduction meetings with CPD Command Staff and UC Administrators to discuss crime trends and enforcement strategies for the UC campus and the immediate area surrounding the campus.

Recommendation 11A: UCPD should better integrate the data and analysis available from the ICS tool into the bi-weekly UCPD/CPD meetings and should consider adding additional UCPD command staff to the meeting.

Recommendation 11B: UCPD should institute a regular CompStat-like management accountability process which goes beyond just examination of crime data, analyzing other relevant information including, but not necessarily limited to: Uses of Force, Complaints, and other performance-related issues.

Finding 12: UCPD does not have a proactive risk management program, and does not track important performance data, including data related to internal affairs complaints and use of force incidents. Furthermore, UCPD does not effectively utilize the Guardian Tracking system to full capacity, by effectively identifying and monitoring employee performance.

Recommendation 12A: UCPD should leverage the technology available in the ICS tool to build a proactive risk management database, which will track and analyze risk related information and data related to a series of performance indicators.

Recommendation 12B: Analysis should include the crime and performance data currently available in the Dashboard in order to obtain a more holistic picture of an officer's performance.

Recommendation 12C: UCPD should work with ICS to establish appropriate performance thresholds triggers, including Department-Level Thresholds (e.g., three internal affairs complaints in 12 months); Peer Officer Averages (compares performance with similarly situated officers); and Performance Indicator Ratios (e.g., ratio of UOF incidents to number of arrests).

Recommendation 12D: UCPD should establish a protocol for the resolution of Early Warning Systems (EWS) notifications of potentially at-risk officers.

Finding 13: UCPD currently identifies some but not all publicly available and relevant data on its website.

Recommendation 13A: UCPD should consider including the following data on its website: (1) yearly totals for Part 1 and significant Part 2 crimes; (2) an incident map; (3) the Daily Crime Log; (4) pedestrian and traf-

fic stop totals broken down by demographic data; (5) use of force data broken down by type of force used and whether the force was in or out of policy (no officer names should be provided); and (6) sustained internal affairs complaints with the disciplinary action taken (no officer names should be provided).

Conclusion

If implemented properly, the UCPD can utilize data collection systems to improve efficiencies and productivity, and enhance situational awareness. The existing systems appear to be maintained and supported well, from a technical perspective. However, these systems are not currently being used in a sufficiently efficient manner. UCPD is currently using several different systems for collecting and storing data, and if possible should integrate its data collection systems into one large database that tracks all of UCPD's information, or create an umbrella program that would operate like a search engine to allow UCPD to search and pull relevant data from all the UCPD databases. Further, UCPD must invest the time and resources in developing policies and training for each of its systems to ensure consistent use and application of the various systems.

IX. Conclusion

In the preceding findings and recommendations we have set forth the changes that, if implemented, will enable UCPD to become a model urban university police department. While the genesis of the changes laid out in these pages is a tragedy that befell the family of Samuel DuBose, with profound impact on the University, its police department, and the broader Cincinnati community, the steps outlined will help prevent such tragedies in the future and will aid in building the trust so necessary to promote both safety and fairness in our communities.

Appendix A

Recommendations Matrix

While each recommendation made in this report is important to the success of reform efforts, we have, in the Recommendation Matrix that follows, attempted to provide the relative criticality of our recommendations as well as relative cost and relative degree of difficulty for each recommendation.

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
Fundamental Recommendations										
1A	Adopt a mission statement that will serve as a foundation and guidepost for its going-forward reforms.			X	X			X		
1B	In developing the mission statement, consider (1) providing for the safety and security of faculty, staff, students and visitors, (2) promotion of concepts of fairness, non-biased policing with minimal intrusion and (3) promotion of service to the broad University community			X	X			X		
2A	Establish an internal audit or inspectional service unit that reports directly to the Vice President of Safety and Reform			X		X			X	
2B	Perform on-going audits for critical areas and functions on a regular cycle to be memorialized in an annual audit plan.			X		X			X	
2C	Implement a voluntary on-going monitoring function to track each of the reforms outlined in the recommendations and ensure that they are implemented according to the agreed upon schedule			X		X		X		
3A	Update its policies and procedures to reflect campus law enforcement best practices, and assign ongoing responsibility for ensuring that they are kept current.			X						
3B	Become certified by CALEA and/or IACLEA.			X		X				X
4A	Traffic and pedestrian stops should not be used as a crime fighting tool by UCPD. Clear guidance by policy and procedure should be given as to how traffic stops should be conducted and when, if ever, off-campus traffic stops are permissible			X	X			X		
4B	Traffic and pedestrian stops should not be used as a crime fighting tool. Clear guidance by policy and procedure should be given as to when, if ever, off-campus traffic stops are permissible.			X	X			X		
5A	Adopt a policy on biased policing, clearly indicating that UCPD officers may not use race, color, ethnicity, or national origin, to any extent or degree, in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person			X	X			X		

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
5B	Develop a curriculum and institute training on the biased policing policy including training on implicit bias and shall deliver such training both to new and existing members of the department.			X		X			X	
6A	Draft and implement a single Use of Force policy that covers what force is permitted and the resulting departmental investigation and review process			X	X			X		
6B	The new Use of force policy should emphasize de-escalation and sanctity of life			X	X			X		
7A	Arm UCPD officers with CEDs			X		X			X	
7B	Include a clear policy statement governing the use of CED in the revised use of less lethal weapons policy			X	X			X		
7C	Develop intensive training on the use of CEDs and the relevant policies, including scenarios in which the utilization of CEDs is appropriate and those instances where it is not.			X		X				X
8A	Establish a protocol for the timely review of every use of force to determine its appropriateness from an administrative point of view and whether or not further investigation, including potential criminal investigation, or discipline is appropriate.			X	X			X		
9A	Update hiring policy by requiring diversity applicants throughout the police officer candidate recruitment process.			X	X					X
10A	Draft and adopt consistent policies and procedures for the development and approval of all UCPD courses and ensure that all courses are consistent with UCPD mission and philosophy.			X	X			X		
11A	Draft comprehensive Complaint Initiation Policies and Procedures that define the workflow of the different categories of complaints from investigation to adjudication.			X	X				X	
11B	Complaint Initiation Policies and Procedures should prohibit any attempt to dissuade an individual from filing a complaint, and require officers to report the misconduct of other officers.			X	X				X	
12A	Recognize the essential nature of the community affairs function within the UCPD and appropriate resources dedicated to it.			X		X		X		
12B	Infuse Community Oriented Problem Solving Policing throughout the fabric of the UCPD.			X	X			X		

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
13A	Integrate the data collection systems into one large database that tracks all data.			X		X				X
14A	Make maximal use of UC's resources in order to fully implement the recommendations made in this report.			X		X			X	
Review of Pedestrian and Traffic Stops										
1A	Traffic and pedestrian stops should not be used as a crime fighting tool. Clear guidance by policy and procedure should be given as to when, if ever, off-campus traffic stops are permissible.			X	X			X		
1B	Involuntary off-campus pedestrian and traffic stops should only be allowed when the officers possesses reasonable suspicion to believe that a pedestrian or motorist is engaged in a criminal, non-driving offense.			X	X			X		
1C	To the extent that any safety-related off-campus traffic stops are allowed, particular scrutiny of each such stop should be applied by UCPD Administration.			X	X			X		
1D	Consider equipping officers with tablets which among other things would enable the electronic capture of stop data through an electronic version of the Field Contact Card.	X				X				X
1E	Give officers enhanced training on appropriately dealing with individuals who are stopped.			X	X			X		
2A	UCPD should continue its full implementation of the recently enacted policy on biased policing.			X	X			X		
2B	UCPD's training on the biased policing policy should include training on implicit bias and such training shall be delivered both to new and existing members of the department. In-service training on the topic shall be developed and delivered annually.			X		X			X	
3A	Develop and implement a protocol for the investigation of complaints of biased policing.			X		X			X	
3B	Train officers conducting investigations of complaints of biased policing on the protocol to be employed in such investigations.			X		X			X	
3C	OSR should audit all investigations of complaints of biased policing to ensure that they are being conducted in accordance with establish protocols for such investigations.		X		X				X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
4A	Determine appropriate levels of response and mitigative strategies, including polite explanation, to combat the negative perception created by enhanced response levels.		X		X			X		
Review of Use of Force										
1A	Combine SOP 1.3.200, and SOP 1.3.400 with SOP PE 05 into a single Use of Force policy covering when force is permitted to be used as well as the investigation and review process.			X	X			X		
1B	The new Use of force policy should emphasize de-escalation (see specific language in Report)			X	X			X		
1C	The use of force policy should define the following terms: Objectively Reasonable, Active Resistance, Passive Resistance, Serious Bodily Injury.			X	X			X		
1D	Include a revised use of force continuum or critical decision making model in the use of force policy, which makes clear that the goal of force is to de-escalate any situation, and that only the minimal amount of force necessary should be used to overcome an immediate threat or to effectuate an arrest.			X	X			X		
2A	The SOP on Use of Force should include a series of prohibitions for officer use, and discharge of a firearm.			X	X			X		
3A	A clear policy statement governing the use of less lethal weapons should be included in the revised use of force policy.			X	X			X		
3B	Include the following definitions in the revised policy to further enhance clarity. Arcing, Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, Spark Test.			X	X			X		
3C	Include a clear policy statement governing the use of CED in the revised use of less lethal weapons policy			X	X			X		
4A	Consider banning the use of the Kubotan.	X			X			X		
5A	Establish a system for the collection, storage and retrieval of data regarding uses of force by members of the UCPD.			X	X				X	
5B	Integrate the use of force data into ARMS.		X			X				X

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
6A	Establish a protocol for the timely review of every use of force to determine its appropriateness from an administrative point of view and whether or not further investigation, including potential criminal investigation, or discipline is appropriate.			X	X			X		
6B	Provide specialized training to investigators assigned to investigate police uses of force.		X			X			X	
6C	Engage an independent consultant to conduct any administrative investigation in use of force cases that result in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.		X				X		X	
6D	Allow CPD, or the appropriate state agency, to conduct any criminal investigation in cases of use of force resulting in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.		X		X			X		
6E	The identity of the officer(s) directly involved in the discharge of a firearm shall be released to the public within 72 hours except in cases where threats have been made toward the officer(s) involved or the department.		X		X			X		
6F	Create a Use of Force Review Board (UFRB) to review all cases where members used deadly force or deployed a CED, or any incident that results in serious injury or death.		X		X				X	
6G	The UFRB should be comprised of, at minimum, a high ranking member of UCPD appointed by the Chief of Police, a member appointed by the President of the University, a member of the student body, a patrol officer (or union representative) and a member of the neighboring University of Cincinnati community.		X		X				X	
6H	Make the findings of Officer Involved Shooting (OIS) investigation public upon completion		X		X			X		
7A	Establish training to give all members of UCPD a thorough understanding of the use of force policies and procedures.			X		X				X
8A	Hold training for sworn personnel twice annually to include live fire exercises and Reality Based Training (RBT).			X		X				X

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
8B	Crisis Intervention Team Training (CIT) should be a part of both basic recruit and in-service officer training.		X			X			X	
Review of Policies and Procedures										
1A	Update policies and procedures to reflect campus law enforcement best practices, and assign ongoing responsibility for ensuring that they are kept current.			X		X				X
1B	Establish a policy and procedure review committee consisting of a cross section of the UCPD and appropriate University resources to assist in updating and developing critical policies and procedures.		X			X			X	
1C	Work with the newly hired Organization Development Coordinator to fully implement the electronic document management software system.		X			X				X
1D	Provide the Coordinator with the resources and support necessary to meet the requirements of his position, and to implement a critical but challenging agenda.		X				X	X		
1E	Establish a procedure for the review of policies and procedures by appropriate UC personnel including the Vice President for Safety and Reform and General Counsel or his/her designee.		X		X				X	
2A	Establish adequate and consistent policies and procedures in several key critical areas including officer supervision and accountability, department transparency, effective diversity recruitment and essential goal setting to develop community trust		X		X				X	
3A	Rewrite Field Interrogations policy to require that stops be constitutional and based upon probable cause and reasonable suspicion criteria.		X		X			X		
3B	Remove problematic verbiage such as "Persons not fitting the place, time or area."		X		X			X		
3C	Clarify sections in the procedure on when an officer can conduct a "pat down" for officer safety.		X		X			X		
4A	Rewrite the Trespass Warning to articulate tenets of Constitutional policing as the basis for initiating trespassing encounters and clearly articulate probable cause and reasonable suspicion.		X		X			X		

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
4B	Remove contradictory language suggesting both that UC is “public property”, yet, “under the laws of Ohio, UC has the right to forbid a person to come onto this property.”		X		X			X		
5A	Limit the number of off-duty hours officers can work to 20-30 hours in addition to their normal work week.		X		X				X	
5B	Require UCPD approval of any collateral employment to prevent conflict of interests.	X			X				X	
6A	Require that officers complete a police/public safety officers’ bike course, and receive a certification prior to being allowed to deploy on a bicycle.	X			X			X		
7A	Rewrite the Unlawful Assemblies policy to include a section on when student assemblies can/should be deemed unlawful.	X			X			X		
8A	Rewrite the Plain Clothes Detail policy to address supervisory oversight, notification protocols (UCPD and CPD), when plain clothes details may be utilized and collateral issues to plain clothes deployment.	X			X			X		
9A	Prohibit the use of Confidential Informants (CIs) except in extraordinary circumstances with clearance at the University reporting level.	X			X			X		
10A	Rewrite the Gangs policy to focus on what specific behaviors constitute a constitutional stop or other law enforcement encounter with a gang member, and to clarify what constitutes gang activity, and how an individual becomes classified as a known gang	X			X			X		
11A	Revise Active Shooter policy so that the section on tactical responses is consistent with Multi-Assault Counter-Terrorism Capability (MACTAC)			X	X			X		
12A	Update Bomb Threats policy to incorporate the likely motivations of modern bomb threat callers and to ensure alignment with current realities of today’s domestic and foreign terrorist bombers.	X			X			X		
13A	Make Clery notifications for reportable only for Clery incidents, and make other crime data available on the University’s website		X		X			X		

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
14A	Build out a dedicated Emergency Operations Center, designed to facilitate planning and response to both planned and unplanned events in coordination with other federal, state and local agencies.		X				X		X	
Review of Officer Recruitment, Hiring, Promotion, and Retention										
1A	Update hiring policy by requiring diversity applicants throughout the police officer candidate recruitment process.			X	X					X
1B	Partner with well-established minority groups who will share and forward the UCPD's recruitment advertisements.		X			X			X	
2A	Work with officers, student population, and community members to craft a UCPD mission statement that states the reason that UCPD exists, what IT does, and reflects its basic philosophy.		X		X			X		
2B	Develop a strong employer brand that will contribute to its becoming the law enforcement employer of choice in Cincinnati.	X			X					X
3A	Expand the search for police officer candidates by partnering with well-established groups to share and forward recruitment advertisement to a broader community network.		X		X				X	
3B	Target all groups including women, Hispanic, Asian, AA and LGBTQ both in the community and on campus.		X		X				X	
3C	Increase recruitment efforts among the more diverse pool of UCPD campus security officers and other university employees who serve in different campus departments who may have demonstrated commendable performance and good judgment.		X			X			X	
3D	Ensure that recruitment campaigns reflect UCPD's commitment to diversifying and market values like community engagement, partnerships, shared responsibility for crime prevention, etc.			X	X			X		
3E	Leverage, to the greatest extent possible, its family tuition payment program, in an attempt to bring seasoned, diverse, mission-appropriate candidates into the recruitment mix.		x		X				X	
4A	Revise and update the current hiring policy to a true best practice recruitment and selection plan that acknowledges the need for diversity and sets diversity as a goal.			X	X			X		
5A	Explore the adoption of the Community Collaboration Model for recruitment.	X			X				X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
5B	Ensure that recruitment outreach is inclusive of all on and off campus communities including the LGBTQ community.		X		X			X		
5C	Carefully select and train officers who attend recruiting events like career fairs.		X			X			X	
5D	Establish recruitment ambassadors, comprised of University staff, students and community members, that will work with officers and on their own to help recruit applicants.		X		X				X	
5E	Work toward making recruitment part of UCPD officers' regular interactions with the community.		X		X				X	
6A	Track the performance of former Security Officers to assess any impact of the streamlined hiring process.		X		X				X	
6B	Use lateral and retired officers, after careful screening to ensure that their qualifications and background are consistent with the mission and philosophy of UCPD.	X				X			X	
6C	Consider a relocation bonus for lateral hires.	X				X		X		
6D	Build a process that gives priority to Cincinnati residents (1) at the beginning of a career or (2) in transition from a previous career and whose career aspirations are consistent with the mission and philosophy of UCPD.	X			X			X		
6E	Actively work with local high schools to identify and work with young people who may aspire to a career consistent with the UCPD mission and philosophy.	X				X			X	
6F	Consider creating a UCPD Police Cadet program and a student intern program.	X				X			X	
6G	Consider offering a free Candidate Applicant Preparation Program		X			X			X	
7A	Ensure that the annual evaluation process proposed in the Diversity Plan include the collection of data at every step, test, and exclusion point in the hiring process, including those who voluntarily drop out of the process. Use this data to continuously improve the hiring process.		X		X				X	
8A	Consider developing and providing support mechanisms for all applicants to reduce the number of no shows and failures.		X		X				X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
8B	Ensure that the proposed suitability assessments of the applicants to the agency is preceded by the adoption of a roadmap to change existing culture to the extent necessary to align it with that of the newly defined mission of the department.		X		X				X	
8C	The panel interview should be conducted by a diverse panel.		X		X			X		
8D	Review the process to be used by the contractor, and confirm it's been tested for bias and is aligned with the UCPD mission.		X		X			X		
8E	The annual evaluation process proposed in the Diversity plan should include the collection of data at every step, test, and exclusion point in the hiring process, including those who voluntarily drop out of the process.		X		X			X		
9A	Define the desired traits and qualifications for a supervisor, and those should be reflected in assessment center exercises, interview questions and scoring protocol.		X		X				X	
10A	Ensure that the process for promotion is evaluated annually by the Chief, Assistant Chief and Lieutenants, and consider annual review of both the promotion and career development process by both the Chief and the Director of Public Safety		X		X				X	
11A	Use students and community members in the assessment center exercises and in the interview processes.		X		X				X	
12A	Update the promotional policies and procedures to reflect the position of Sergeant.		X		X			X		
13A	Select a turnover/attrition metric to identify and react to deviations from the expected rate.		X		X				X	
13B	Enhance the recruitment and hiring process to ensure that candidates have proper expectations and are the right fit the job.		X		X				X	
13C	Conduct, maintain and analyze exit interviews in order to better understand any deviations from the expected attrition rate.		X		X				X	
Review of Training										
1A	Draft and adopt consistent policies and procedures for the development and approval of all UCPD courses and ensure that all courses are consistent with UCPD mission and philosophy.			X	X			X		

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
1B	Ensure appropriate oversight of outside training to ensure it is consistent with Department Mission, Vision and Values.		X		X			X		
1C	Require proper tracking, and evaluation of all courses and instructors.			X	X			X		
1D	Require instructors to attend a certified instructor development course.		X		X			X		
1E	Ensure training is consistent with officer tasks and competencies to successfully serve in an urban and campus environment in a manner consistent with Department Mission, Vision and Values.			X	X			X		
1F	Establish and maintain a "lessons learned" program.		X		X				X	
1G	Establish a Training Committee responsible for review of training policies and procedures, curricula development and course		X			X			X	
1H	Ensure that training opportunities are available to all employees both sworn and unsworn.		X		X			X		
2A	Locate the training office within headquarters and create a state of the art on-campus learning environment by identifying a professional setting for in-service training.		X			X			X	
3A	Develop a portion of the 80-hour class in an e-learning format, to be delivered immediately upon swearing in, so as to allow for appropriate orientation before the commencement of patrol functions.		X			X				X
4A	Develop introductory curricula, with time allotment and method of delivery (e-learning versus classroom) for the Clery Act; Mission, Vision and Values of UCPD; and community relations for inclusion in orientation training.		X			X		X		
5A	Design courses to specifically meet unique training needs including courses addressing the unique intersection of urban and university policing, and training designed to promote effective interactions with diverse populations.		X		X				X	
6A	Build on the recommendations of this report relative to needs assessment and conduct a formal review of training, to be repeated on an annual basis.		X				X		X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
6B	Develop an annual training plan consisting of goals and strategy based on an annual formal needs assessment, with input from the Chief of Police, a training committee comprised of UCPD personnel, training unit officer-in-charge, and the community.			X			X		X	
7A	Develop as part of the annual training plan a mandatory training curriculum in modular format, to be reviewed and modified annually, including the state-mandated training as well as those courses which are determined to be best suited for UCPD-mandated annual training.		X			X			X	
7B	Infuse the curriculum developed with elements of community policing, including a clear and unified message as to the UCPD's commitment to community policing, as well as with critical thinking and problem solving skills training throughout.		X		X			X		
7C	Develop a series of elective courses in different relevant subject matter areas all of which would have to be completed over a three year period.		X			X			X	
7D	Consider courses for the mandatory training that include updates on trends and innovations in both municipal and university policing, an update on Ohio criminal law, a use of force update including de-escalation techniques, community and problem solving policing updates, and anti-bias training.	X			X			X		
7E	Elective courses should include: Community-police relations; Building partnerships with communities both on and off campus; Critical thinking and problem solving; Ethics and Integrity; Diversity; Biased policing; Substance Abuse; Date rape; Leadership; De-escalation skills through the perishable skills training (defensive tactics, firearms, driving and communication skills); Equal Employment Opportunity; Interactions with persons with mental illness.		X		X			X		
7F	Determine the appropriate split of total mandatory annual training hours between mandatory and elective courses.		X		X			X		

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
7G	Increase diversity and biased policing training and require these subject to be recurrent training annually.			X		X		X		
7H	Centralize and maintain records of all training in an electronic format which becomes part of an Officer's personnel package		X		X			X		
8A	Develop a process by which UCPD develops its curricula.		X			X				X
9A	Establish a lessons learned program, derived from UCPD uses of force, post-incident debriefings, employee suggestions, personnel complaints and case law updates.		X		X				X	
10A	Develop a list of tasks and skill competencies expected of an FTO.		X		X			X		
10B	Create a selection process to assess whether an applicant has the skills necessary to train new officers.		X			X			X	
10C	Ensure that all FTO's support the Mission, Vision and Values of UCPD and will be a strong role model for new employees.		X		X				X	
10D	Ensure that the selection process includes a detailed review of the disciplinary and merit file of the candidate.		X		X			X		
10E	Ensure that there is a policy that requires a timely suitability review of any FTO in the case of a sustained complaint involving		X		X				X	
11A	Require instructors to be OPOTC Certified Instructors.		X		X			X		
12A	Require all courses taught by UCPD instructors to have written lesson plans that include clearly stated, realistic performance objectives and learning activities that utilize multiple learning modalities.		X		X			X		
12B	Base the training approach on the tenets of adult education, promoting decision-making and critical thinking.	X			X			X		
12C	Develop problem-based scenarios and case studies that allow the student to apply problem solving skills & knowledge of diverse populations.	X			X				X	
12D	Require curriculum review before a class is taught.		X			X			X	
12E	Observe instructors and rate performance.		X			X			X	
12F	Survey students relative to the performance of their instructor.	X			X			X		
13A	Ensure that community relations issues are included in use of force courses and that unique campus life issues are included in the defensive tactics course.		X		X			X		

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
14A	Require by policy that all non-UCPD training be reviewed and approved prior to authorizing attendance at such program, and that a syllabus of such training be obtained for inclusion in the attending employee's file.		X		X			X		
15A	Ensure that the training lieutenant is devoted primarily, if not exclusively, to all of the tasks attendant to training.		X		X			X		
15B	Re-establish the Training Review Committee under the direction of the training lieutenant and include a member from the university and two members from the community.		X			X		X		
15C	Ensure that an annual Continuing Education Plan and Learning Needs Assessment is conducted.	X			X			X		
15D	Review, approve, and maintain the curriculum of every outside course approved for attendance by a UCPD officer.	X			X				X	
16A	Obtain a Learning Management System (LMS) to track all training records, retain expanded course outlines and lesson plans, allow for automated employee training requests and approvals.		X			X			X	
16B	Use best practice templates to design training, evaluate training delivery and instructors.		X		X			X		
16C	Complete regular assessments of courses and training delivery. Ensure curricula includes relevant and realistic officer tasks and competencies.		X			X			X	
16D	Training Unit lieutenant should approve all internal courses and lesson plans, and approve all outside courses prior to employees being allowed to attend to ensure consistency with UCPD policies, procedures, and agency mission, vision and values.	X			X			X		
17A	Identify the actual training budget for equipment and off-site training each year and hold the department accountable for working within its training budget.		X		X				X	
18A	Develop a policy with respect to the selection of instructors and for the evaluation of their performance.		X		X				X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
19A	Develop a policy which charges the training lieutenant with mandatory attendance (either by himself or an appropriate designee) of training in order to evaluate, in writing, its effectiveness.	X				X				X
20A	Extensively collaborate with the University on issues of training and should consider the creation of a Community-Police Academy for surrounding communities and a Student Community-Police Academy for campus communities.	X			X					X
21A	Collaborate with CPD on issues of training	X			X			X		
22A	Utilizing the Claremont Campus OPOTC-certified Police Academy as its own internal academy where sponsored/hired cadets could attend.	X			X			X		
Review of Accountability Mechanisms										
1A	Each of the three patrol shifts should be made up of two squads of officers, with each squad having a permanently assigned sergeant who works the same rotating schedules as their officers.		X		X				X	
1B	Consider redesigning the Organization chart so that it is comprised of sub charts showing Field Operations and Support Services in greater detail, and should be updated to reflect latest changes and clearly reflect each squad sergeant and the officers assigned to the squad.		X		X				X	
1C	Conduct a comprehensive review of the patrol chart to determine if it deploys the patrol force and the supervisors in the most effective manner.	X				X			X	
2A	Finalize the Managing Performance and Early Intervention policy and procedure that documents the use of Guardian Tracking.		X			X			X	
3A	Develop a list of critical duties and responsibilities for these positions.		X		X			X		
3B	Consider requiring that patrol sergeants perform documented visits, preferably in the field, to each subordinate during their shift.	X			X					X
4A	Implement a quality control process to ensure compliance with the performance evaluation requirements, and incorporate related duties on the list of supervisor responsibilities.		X			X				X

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
5A	Draft Complaint Initiation Policies and Procedures that (a) call out the different methods of initiating/receiving complaints; (b) allow for the receipt of anonymous complaints; (c) provide for walk-in complaints at UCPD headquarters; (d) prohibit any attempt to dissuade an individual from filing a complaint; (e) requires appropriate notification from UC General Counsel anytime a lawsuit alleging police misconduct is filed; (f) requires notification to UCPD by any officer who is arrested or otherwise criminally charged or the subject of a lawsuit that alleges physical violence, threats of physical violence or domestic violence; (g) requires officers to report the misconduct of other officers including improper use or threatened use of force, false arrest, unlawful search or seizure, or perjury; and (h) allows for the processing of internally generated			X	X				X	
5B	Draft Complaint Investigation Policies and Procedures that (a) requires the categorization of complaints; (b) defines the workflow of the different categories of complaints from investigation to adjudication; (c) provides time frames for the investigative process; and (d) establishes complaint investigation protocols.			X	X				X	
5C	Draft Complaint Adjudication Policies and Procedures that (a) set forth the standard of proof; (b) prohibit automatic credibility preference being given to an officer's recitation of facts; (c) define the categories of potential disposition; (d) define the timeframe in which adjudication should be completed.			X	X				X	
6A	Compile complaint information into a simple database, which can be accessed by the ICS system, and includes several fields (year, date of complaint, nature of the complaint, employee, investigating supervisor, disposition and date completed).		X			X			X	
7A	Develop brochures, in hard copy and for inclusion on UCPD's website, about the complaint process and complaint forms and make such materials available and include as a requirement in a new SOP governing civilian complaints.			X		X			X	
8A	Consider establishing a subgroup of the CAC to review the UCPD'S investigation of complaints made against employees.		X			X		X		

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
9A	Create a separate SOP detailing how disciplinary matters should be handled by UCPD. Such a procedure should include creating a form that summarizes details of an allegation of misconduct and creates a log listing the number of the issue starting at 001 of year and including the name of the employee, the dereliction charged, the name of the supervisor reporting and/or investigating the matter and the date adjudicated.		X		X				X	
10A	Establish an Inspectional Services or Audit unit, reporting directly to the Vice President for Public Safety and Reform.			X		X				X
11A	Enter into a voluntary independent monitorship which would provide regular status updates to the Board of Trustees and the public relative to the progression of reform within the Department		X				X	X		
Review of Community Engagement, Problem-Oriented Policing and Crime Prevention										
1A	Recognize the essential nature of the community affairs function within the UCPD and appropriate resources dedicated to it.			X		X		X		
1B	The Community Affairs organization should be elevated to a more prominent position in the organization and should be staffed appropriately.		X				X		X	
1C	Create a separate Community Affairs Office which reports directly to the Chief, thereby exercising greater authority across the organization.		X			X			X	
1D	Rescind the existing SOPs and write new policies and procedures to reflect the new structure and mission of the unit.		X		X				X	
1E	Consider whether the Victim Services Coordinator belongs in the Community Affairs Office or whether it might be more appropriately housed elsewhere within UCPD or the University.		X		X				X	
2A	The Community Affairs Office should be managed by a supervisor with formal operational authority to manage all of the various components of the Community Affairs mission.		X			X			X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
2B	The supervisor position could either be a civilian title, e.g., Director, or a uniformed title, e.g., Captain but should be of sufficient stature as to be able to coordinate resources across the organization, particularly those resources that are not specifically assigned to Community Affairs duties.		X		X				X	
2C	Staff the Community Affairs Office with a minimum of two officers whose sole responsibilities are community affairs duties.		X			X		X		
2D	Consider assigning officers as community liaisons to designated community groups.		X			X			X	
2E	Consider revising the provision of the Collective Bargaining Agreement that prescribes a four year rotation period for CAO's.		X		X				X	
2F	Design and implement a selection process for the Community Engagement Officers which evaluates candidates against the specific qualifications necessary for effective performance of the function, and includes the opportunity for community and student		X			X			X	
3A	Provide Community Affairs Office staff with specialized training on public speaking, crime prevention, labor relations, and social media	X				X				X
4A	Establish the supervisory position of Event Coordinator, with appropriate staff		X		X				X	
5A	Train personnel in a community policing problem solving model.		X			X			X	
5B	Consider adopting the CAPRA community policing problem solving model.	X			X					X
5C	Develop a problem solving approach to chronic crime and disorder problems.		X		X					X
5D	If UCPD continues to patrol off campus, then problem-solving groups should also involve community residents and CPD.		X		X					X
5E	Develop a policy that outlines the problem-solving program, and contain clear roles, responsibilities and expectations regarding the UCPD's problem-solving efforts.	X			X					X
6A	Increase the number of CCTV cameras deployed in both the on and off campus communities, and collaborate with the CPD to identify strategic locations to place the additional cameras.	X					X		X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
6B	Institute a 'Safe Haven' program whereby local businesses register with UCPD, agree to display a distinctive logo on their storefronts that identifies them as a Safe Haven, and pledge to assist University affiliates in distress.	X					X		X	
6C	Consider implementing Operation Blue Light, a program that authorizes UCPD personnel to mark property with an invisible ink discernible only under a special blue light.	X					X		X	
6D	Consider implementing Operation ID, a nationwide program that aims to deter theft by permanently identifying valuable property with an indelible, inconspicuous, specially assigned number.	X					X		X	
6E	Consider implementing PC PhoneHome/Mac PhoneHome, a program that allows authorities to locate a lost or stolen computer by identifying its location when the machine is connected to the Internet.	X					X		X	
6F	Consider employing Stop Theft Tags, which possess a unique ID number that is entered into the STOPTHEFT worldwide database, and allow lost or stolen property to be reunited with its owner.	X				X			X	
6G	Look into Bicycle Registration, where a permanent decal is affixed to the bicycle, thus giving it a unique ID number that is registered with the UCPD.	X				X			X	
Review of Encounters with Individuals with Mental Health Concerns										
1A	Establish clearly written policies and procedures based upon existing best practices used by campus police departments.			X	X				X	
1B	Include in the new policy a list of generalized signs and symptoms of behavior that may suggest mental illness.		X		X				X	
1C	Include in the new policy should a list of indicators that will help an officer determine whether an apparently mentally ill person represents an immediate or potential danger.		X		X				X	
1D	The new policy should include guidelines for officers to follow when dealing with persons they suspect are mentally ill.		X		X				X	
1E	Review applicable reports from other jurisdictions, including the USC and LA Mental Health Advisory Board, and incorporate suggestions from those reports in policies, procedures and training.	X			X				X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
2A	Implement a Student Concerns Committee that consists of first responders and those potentially in a position to take notice of irrational student behavior.		X			X				X
2B	The Student Concerns Committee should meet on a weekly basis to discuss issues that took place during the previous week and are potentially related to mental health, and collaboratively create a plan of action.		X			X				X
3A	Ensure that additional officers trained in crisis intervention are deployed during potential peak periods of stress for students.		X			X			X	
4A	Provide all sworn officers with CIT, and with documented refresher training on a bi-annual basis.		X			X			X	
4B	Utilize UCMC experts to educate officers on issues specific to student populations, particularly those within the University community, including sensitivity training highlighting the position of students who are away from home for the first time.		X			X			X	
4C	Consider establishing proactive response teams pairing an on-call UCMC clinician with a law enforcement officer to provide emergency field response to situations involving mentally ill, violent or high risk individuals.	X			X				X	
5A	After every encounter with an individual suffering from a mental illness, UCPD should mandate detailed reporting for inclusion in the ARMS system.		X		X			X		
5B	In order to improve performance, annually audit the handling of mental health-related calls and incidents for that year.		X		X			X		
Review of Equipment										
1A	Re-deploy CEDs.		X				X	X		
1B	Review policies and procedures related to the use of CEDs to include when the use of the devices is authorized and the allowable number of discharges of the device.			X	X				X	
1C	Develop intensive training on the use of CEDs and the relevant policies, including scenarios in which the utilization of CEDs is appropriate and those instances where it is not.			X		X				X

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
1D	Designate a CED training officer, who should receive training as a trainer and whose responsibilities should include remaining current on all relevant literature and data on the use of CEDs.			X	X			X		
2A	Work with CPD and appropriate neighborhood organizations to provide significantly greater deployment of video surveillance in the off-campus patrol areas.		X				X		X	
3A	Conduct a review of all existing video surveillance equipment in conjunction with the exploration of an off-campus video system.		X				X		X	
4A	Develop or adopt appropriate training for the use of the batons, and ensure that every member of UCPD receive such training.		X			X				X
5A	Evaluate and choose an automated commercial off-the-shelf product for tracking of all equipment.		X				X		X	
6A	Evaluate the need and potential utilization of the bomb robot.	X			X				X	
6B	If there is justification to retain the robot, appropriate initial and refresher training and qualification of a select group of sworn officers on the utilization of the robot and related skill sets including bomb disposal should be developed and deployed.	X				X				X
7A	Evaluate the need and potential utilization of the sniper rifle.	X			X				X	
7B	If there is justification to retain the rifle, appropriate initial and refresher training and qualification of a select group of sworn officers on the utilization of the rifle should be developed and	X				X			X	
8A	Consider installing in-car video as an adjunct to the current deployment of body cams, providing for potential additional views of and redundancy in any critical incident.	X					X		X	
9A	Work with the Director of Emergency Management to build out a dedicated Emergency Operations Center, designed to facilitate planning and response to both planned and unplanned campus events in coordination with other federal, state and local agencies.		X				X			X
Review of Technology										
1A	Require that each officer create a test recording before they deploy to the field each day to ensure the body camera is functional.	X			X				X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
1B	Re-write Body cam policy to address how to specifically handle video in use of force (i.e., who takes custody of the camera, who reviews the video, when should an officer review video, etc.).		X		X			X		
1C	Those developing the body camera policy should continue to refine and improve the policy as lessons are learned, and collaborate with other agencies that have deployed cameras to learn from those experiences.		X		X			X		
1D	Consider including the body camera policy as a topic of discussion in community forums, student body meetings, etc.		X		X			X		
2A	Consult a subject matter expert to assist in negotiating an agreement for cameras and storage so that it includes discounted pricing; a "termination for convenience" clause; the appropriate level of on site training and support from Taser; etc..	X					X			X
2B	UCPD should identify any video in storage that must be retained into the future, and work with Taser to migrate that video to Evidence.com for long-term storage.	X				X			X	
2C	Consider engaging a provider for additional system training, to ensure the Department is making full use of its video management system	X					X		X	
3A	Modify the practice of tagging video with only a suspect's name. Instead, it should consider utilizing additional identifiers, such as the CAD incident number and/or an RMS record number.	X			X			X		
3B	Consider contracting with a vendor that allows for CA integration with its video management system.	X				X			X	
4A	Ensure that all business/functional requirements for ARMS are clearly documented and that testing of the upgraded ARMS is conducted against those requirements before the system is accepted.		X			X			X	
5A	Consider implementing an ARMS Mobile Product on MDCs and/or tablets to enable officers to complete reports from the field.		X			X			X	
6A	Add a radio console to the third position so it can be in a position to handle multiple calls/traffic at one time.	X				X			X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
7A	Implement a 9-1-1 system that provides the actual geo location of the call, as is standard in dispatch centers across the country.		X				X		X	
8A	Explore ways to expand adoption of Live Safe on campus and potentially off-campus as well.	X			X			X		
9A	Identify funding for a replacement card access system.	X					X		X	
9B	PSTS should document the requirements for a replacement system, which should include a plan for how to integrate the card access system with an existing key management system that was developed in-house.	X					X			X
10A	Consider adding one IT Project Manager to PSTS staff to ensure large IT projects are implemented according to IT management best practices.	X				X			X	
10B	PSTS should engage in a study to determine the appropriate IT staffing levels. It appears that additional Technicians are likely required to support the IT needs of the Department.	X					X			X
Review of Data Collection Systems, Data Usage, Automation, and Records Management										
1A	Integrate all data collection systems into one large database that tracks all of UCPD's information.		X			X				X
2A	Ensure that access to stored CAD data is easily obtainable and meets UCPD's mandated reporting functions to the state and federal governments		X			X			X	
2B	Research whether the new CAD system from TriTech can be integrated into ARMS, and integrate if possible.		X		X				X	
2C	If integration is not possible, continue to use the CPD CAD.	X			X			X		
3A	Evaluate the ARMS module for Field Contacts, and ensure that all required data fields can be reported through the module.		X			X			X	
3B	If the data fields can not be included or the ARMS' module for Field Contacts utilization is otherwise undesirable, maintain the MAD and ensure that all data is transferred into the ICS Dashboard.	X				X			X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
4A	Work with ICS and UCPD IT experts to identify standardized reporting from ARMS data in a variety of formats, such as bar graphs, pie charts and line graphs, that will assist UCPD in analyzing crime, operational, staffing and performance data on various indicators.		X			X			X	
5A	Integrate the DPLF and PPF MADs into the ARMS system. If integration is not possible, continue to collect this data and ensure that the data can be exported into the ICS Dashboard.	X			X				X	
6A	Work with ICS to further develop the functionality of the	X				X			X	
6B	Capture data relative to race, gender, age and ethnicity, so as to better foster transparency and legitimacy.		X			X			X	
7A	Add the following fields to its MAD: whether the stop was a traffic or pedestrian stop, whether there was a frisk or search of the person or property, and whether force was used during the stop.		X		X			X		
7B	Monitor stop data regularly as part of an early warning system, surfacing potentially at-risk behavior of policy violation or biased policing.		X		X				X	
8A	Continue to utilize the Guardian Tracking electronic database for documenting and tracking positive and negative aspects of employee performance.	X			X			X		
8B	Conduct a thorough review of the capabilities of the Guardian Tracking system and its potential interface with the ICS Dashboard, so as to allow for inclusion of Guardian Tracking data in ICS dashboards and more fulsome early warning system.		X			X				X
9A	Establish an electronic database to track and maintain data related to internal affairs complaints, and can readily communicate with other UCPD databases (ARMS).		X			X				X
10A	Establish an electronic database to track and maintain data related to uses of force, and investigations thereof, and can readily communicate with other UCPD databases (ARMS).		X			X				X
11A	Integrate the data and analysis available from the ICS tool into bi-weekly meetings and consider adding additional UCPD command staff to the meeting.	X				X			X	

RECOMMENDATION MATRIX		RELATIVE CRITICALITY			RELATIVE COST			RELATIVE DIFFICULTY		
		LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
11B	Institute a regular Compstat-like process which goes beyond just examination of crime data, analyzing other relevant information including Uses of Force, Complaints, and other performance-related issues		X			X			X	
12A	UCPD should leverage the technology available in the ICS Dashboard to build a proactive risk management database, which will track and analyze risk related information, and data related to a series of performance indicators.		X			X				X
12B	Analysis should include the crime and performance data currently available in the Dashboard in order to obtain a more holistic picture of an officer's performance.		X		X				X	
12C	Work with ICS to establish appropriate performance thresholds triggers, including Department-Level Thresholds (e.g., 3 internal affairs complaints in 12 months); Peer Officer Averages (compares performance with similarly situated officers); and Performance Indicator Ratios (e.g., ratio of UOF incidents to # of arrests).		X		X				X	
12D	Establish a protocol for the resolution of EWS notifications of potentially at risk officers.		X		X				X	
13A	Consider including the following data on its website: (1) yearly totals for Part 1 and significant Part 2 crimes; (2) an incident map; (3) the Daily Crime Log; (4) pedestrian and traffic stop totals broken down by demographic data; (5) use of force data broken down by type of force used and whether the force was in or out of policy (no officer names should be provided); and (6) sustained internal affairs complaints with the disciplinary action taken (no officer names should be provided).	X			X			X		

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Appendix H

OFFICE OF THE INDEPENDENT MONITOR OF THE LOS ANGELES POLICE DEPARTMENT



FINAL REPORT
Issued June 11, 2009

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I. Introduction

In the decade leading up to June 2001, the Los Angeles Police Department (LAPD) was troubled. Its reputation was blighted by headlines of corruption, excessive use of force, bias and arrogance. The LAPD seemed to be governed by itself, for its own purposes only peripherally related to the community it was sworn to protect. Over the past eight years, on these pages we have reported on the progress, imperfect at times, that the LAPD and the City of Los Angeles have made in instituting various reforms aimed at restoring not only constitutional policing but also the integrity and reputation of the LAPD. We are pleased to report that the LAPD has substantially complied with the requirements of the Consent Decree. We believe the changes institutionalized during the past eight years have made the LAPD better: at fighting crime, at reaching out to the community, in training its officers, in its use of force, in internal and external oversight, and in effectively and objectively evaluating each of the sworn members of LAPD. More specifically, the LAPD has become the national and international policing standard for activities that range from audits to handling of the mentally ill to many aspects of training to risk assessments of police officers and more.

These past eight years have clearly shown that with the right impetus, with goodwill and with a good plan, institutional reformation can be, and in Los Angeles has been, achieved. Most importantly, the past eight years have shown that constitutional policing can effectively coexist with and, indeed, foster the primary role of the police: ensuring the public safety. This report constitutes our final report and recommendation that the City of Los Angeles be found in substantial compliance with the Consent Decree.¹ However, we recommend the termination of the Consent Decree with a caveat. The process and institutions that have been created must be nurtured and strengthened by the City family in the years to come. Benign neglect will endanger the hard-won progress that the LAPD has made. We hope the Transition Agreement,² which is crucial to completing the work in the areas of the Department's early warning system,

¹ This recommendation is made pursuant to the definition of substantial compliance contained in paragraph 179 of the Consent Decree: "'substantial compliance' means there has been performance of the material terms of this Agreement. Materiality shall be determined by reference to the overall objectives of this Agreement. Non-compliance with mere technicalities, or temporary failure to comply during a period of otherwise sustained compliance, will not constitute failure to maintain substantial compliance."

² A Transition Agreement (TA), which covers those aspects of the Consent Decree for which the City and DOJ have agreed to continued judicial jurisdiction, has been filed with the Court. The TA is subject to the Court's review and potential modification. The TA as submitted specifically covers the areas of Financial Disclosure, TEAMS II and Biased Policing and calls for oversight and reporting on these areas to be provided by the Office of the Inspector General.

biased policing and financial disclosure, also gives further time for proactive leadership to focus on how to continue to maintain and grow the reform of LAPD.

A. History

In June 2001, the Office of the Independent Monitor of the Los Angeles Police Department was established by order of the Honorable Gary Feess of the U.S. District Court for the Central District of California. The position was created pursuant to a Consent Decree that settled a civil suit brought against the City of Los Angeles by the U.S. Department of Justice (DOJ). The lawsuit sought to obtain injunctive and declaratory relief to eliminate the pattern or practice of misconduct by the LAPD found during an intensive DOJ investigation engendered by, among other events, the Rodney King beating and the Rampart scandal.³

Specifically, that investigation found that LAPD was at that time engaged in a pattern or practice of excessive force, false arrests and unreasonable searches and seizures in violation of the Fourth and Fourteenth Amendments to the Constitution.⁴ It also found serious deficiencies in LAPD policies and procedures for training, supervising, investigating and disciplining police officers, all of which fostered and perpetuated officer misconduct. In addition, it found that the LAPD had failed to implement a comprehensive risk management system that would identify “at risk” officers; that the Department was not responding properly to citizen complaints of officer misconduct; and that neither the Police Commission nor the Inspector General (IG) had the resources required to provide meaningful oversight of the LAPD. Equally important, especially to the question of how things could be fixed, the investigation found that the majority of LAPD officers were “ethical, hardworking, and responsible individuals, who [had] not, themselves, violated the constitutional rights of the persons they serve[d] and protect[ed].”⁵

The 90-page Consent Decree contained specific provisions directed at correcting the identified deficiencies and created the position of Independent Monitor to act as an agent of the Court and charged the Independent Monitor with overseeing and reporting on the City’s implementation of the reforms required by the Consent Decree.

³ 42 USC 14141 authorizes the Attorney General to conduct investigations, and if warranted file civil litigation, to eliminate a “pattern or practice of conduct by law enforcement officers...that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. The Attorney General has delegated this authority to the Special Litigation Section of the Civil Rights Division of the US Department of Justice.”

⁴ A copy of the DOJ’s May 8, 2000 letter to the City of Los Angeles outlining the findings of its investigation (hereinafter referred to as the DOJ’s *May 2000 Letter Report*), the civil complaint and the Consent Decree appear as Appendices A, B and C, respectively.

⁵ Page 2 of the DOJ’s *May 2000 Letter Report*

Monitoring commenced in July 2001 and was scheduled for an initial period of five years. In May 2006, the Consent Decree was extended for an additional three-year period.⁶ Over the past eight years, the Monitor issued 30 quarterly reports⁷ covering the progression of the LAPD's compliance with the Consent Decree's mandated reforms. That progression now culminates in our declaration of substantial compliance with the Decree. More importantly, the Monitor believes that the Department, with the local civilian oversight provided by the Board of Police Commissioners and the Office of Inspector General (OIG) as laid out in the City Charter, will ensure that the reforms that have been achieved to date and embedded in the Department as best practices will be able to endure. That being said, while the Monitor is confident in the ability of the Department to maintain the reforms achieved, there are circumstances which could threaten the reforms that have been achieved. These risks are discussed in greater detail in our Conclusion, below.

This final report recounts the significant events of the Consent Decree period, including the crime reduction achieved during that time, and details the basis for our conclusions.

B. Involved Entities

We have arrived at this point through the involvement of a number of different entities working together to reform the Department. The hard work and dedication of the many individuals working for those entities has led to this success. A brief review of those entities is in order.

The U.S. Department of Justice

As noted above, the Special Litigation Section of the Civil Rights Division of the U.S. Department of Justice was the catalyst for reform when it instituted the investigation and subsequent litigation which gave rise to the Consent Decree. The DOJ, through staff attorneys of the Special Litigation Section, was a constant participant throughout the term of the Consent Decree, attending monthly Monitor status meetings, conducting targeted inquiries and generally

⁶ At the inception of the three-year extension and again two years into the extension period, certain paragraphs of the Consent Decree for which substantial compliance had been achieved were deemed "inactive," with the ability of the Monitor to resume active monitoring if there were any indications of slippage with respect to compliance in those particular paragraphs.

⁷ These quarterly reports can be found at <http://kroll.com/about/library/lapd/>. A "Report Card" showing the compliance findings for each quarter is included as Appendix D.

ensuring that the LAPD and City were meeting their obligations of reform as mandated by the Decree.⁸

The City of Los Angeles

With more than 3.8 million residents, the City of Los Angeles is the nation's second largest city and the largest city against which litigation alleging police misconduct has been brought by DOJ.⁹ The Consent Decree was negotiated in the latter part of 2000 under Mayor Richard Riordan and was approved by the City Council in November of that year. Both of Mayor Riordan's successors, James Hahn and Antonio Villaraigosa, have continued the City's full support of the Consent Decree and its objectives. In addition to the Office of the Mayor, the Office of the City Attorney and the Office of the Chief Legislative Analyst, which represented the City Council, were full participants. Like the Mayor's Office, each agency was fully supportive of the reform process.

The Board of Police Commissioners

The Board of Police Commissioners consists of five civilian members appointed by the Mayor. The Police Commission serves as the head of the Los Angeles Police Department. While only one member of the Commission has remained over the entire period of the Consent Decree, in its role as head of the LAPD, the Commission has consistently been committed to ensuring that the Department met its obligations of reform. The Commission, and the civilian oversight that it provides, is a pillar upon which the success of the Department's compliance with the Consent Decree has rested. Going forward, the Commission will play a critical role in ensuring against any slippage in the reforms that have been achieved. The composition of the current Commission is ideally suited for this role. It is composed of four prominent attorneys and an icon of the civil rights movement in Los Angeles, is supported by a uniquely qualified and extremely competent Executive Director and has exhibited independence and steadfastness in its commitment to reform. Yet, it is clear that true reform cannot rest on the personalities of political appointees, but rather must be fully ingrained in the system. We will have more to say about that below.

⁸ For a full description of the Special Litigation Section's jurisdiction and activities see <http://www.usdoj.gov/crt/activity.php#spl>

⁹ Among other cities that have been the subject of Consent Decrees or Memoranda of Understanding are Detroit, Washington, D.C., Cincinnati and Pittsburgh.

The LAPD

The LAPD serves a city of nearly four million people with an authorized force of approximately 9,300 sworn officers, 3,000 civilian employees and an annual budget exceeding \$1 billion. The LAPD responds to over 900,000 calls for service each year. Today's LAPD is significantly different from the Department that the Monitor found at the beginning of the Consent Decree. The Department at that time was demoralized and badly battered by scandal, with a disciplinary system that was largely regarded as both unfair and ineffective. The Department was suffering from what the March 2000 LAPD Board of Inquiry Report to the Police Commission, Rampart Area Corruption Incident (hereinafter referred to as the March 2000 BOI Report), termed "mediocrity." It was this mediocrity that the Board of Inquiry (BOI) found had bred the lack of integrity leading to the Rampart scandal, an observation undoubtedly applicable to the problems that the DOJ found during its investigation. From the onset, the Department took its responsibilities under the Consent Decree seriously. Shortly after the approval of the Decree by the Mayor and City Council in November 2000, a Consent Decree Task Force was established. This task force became the Consent Decree Bureau and oversaw the establishment of the Audit Division (AD) mandated by the Decree. It was, however, under the leadership of a new Chief, William J. Bratton, who had served as a policing expert on the Monitoring team prior to his appointment in October 2002, that reform truly began its institutionalization throughout the Department. Chief Bratton raised the level of visibility and dedication to the Decree by appointing as a Deputy Chief equivalent a former member of the Board of Police Commissioners and former criminal defense attorney, Gerald Chaleff, to head the Consent Decree Bureau, which was charged with implementation of the Consent Decree provisions. Since his appointment, and notwithstanding occasional setbacks, Chief Bratton has been a staunch supporter of the Decree, repeatedly indicating that the Decree's mandates were nothing more than best policing practices and that the Decree's provisions were "the baseline for, and not the ultimate standard, by which the Department's commitment to excellence w[ould] be ultimately measured."

The Office of the Inspector General

The creation of the OIG was a major reform recommendation of the 1991 *Report of the Independent Commission on the Los Angeles Police Department* (hereinafter referred to as the *Christopher Commission Report*), which was charged in July 1991 with examining the structure and operation of the LAPD in the wake of the Rodney King beating. The OIG was established as an arm of the Police Commission in 1996 and through a series of City Charter amendments now has subpoena power and authority to investigate any matter pertinent to the Police Department. The Consent Decree placed specific mandates on the OIG, most notably in the areas of audits, uses of force and the complaint process. The OIG discharged these mandates well and has acted as a full partner throughout the period of the Consent Decree. Indeed, with the continual improvement over the life of the Consent Decree, the OIG has garnered a national

reputation and is viewed as a model for other cities to emulate. It is anticipated that by working together with the Police Commission, the OIG will take the lead role in ensuring that the reforms achieved under the Consent Decree are maintained and built upon.

The Office of the Independent Monitor

As noted above, the Office of the Independent Monitor was created by the Consent Decree itself. In May 2001, Michael Cherkasky and Kroll Inc. were appointed as the Independent Monitor by the Honorable Gary Feess. Mr. Cherkasky was designated as the Primary Monitor and Jeff Schlanger as the Deputy Primary Monitor. In addition to Mr. Cherkasky and Mr. Schlanger, the monitoring group consisted of professionals covering a range of disciplines, including policing, audit and technology. The monitoring group, which varied in composition over the years, was organized into teams corresponding to the various sections of the Consent Decree. Each team had a liaison in the LAPD Consent Decree Bureau and worked closely with them in obtaining necessary data and access in order to determine the degree of compliance with the individual mandates of their assigned sections.

The Office of the Independent Monitor issued 30 quarterly reports over the past eight years. In each of these, the Monitor reported on pre-designated Consent Decree mandates, examining the progress of compliance with those mandates. After the initial five-year term of the Consent Decree, the Monitor discontinued active monitoring of those mandates with which the LAPD had achieved substantial compliance. Similarly, two years into the extension period, active monitoring of those remaining mandates with which the LAPD had achieved substantial compliance was discontinued.¹⁰ Details of the progression of compliance for the various categories of Consent Decree reform appear in Section II of this report, below.

The United States District Court

The Honorable Gary Feess of the United States District Court for the Central District of California has presided over this matter for the entire time it has been pending.

¹⁰ A full listing of those mandates, the quarters in which they were examined and an indication of whether substantial compliance with the mandates had been achieved in that quarter is contained in Appendix D hereto.

C. Constitutional and Effective Policing

One of the more notable aspects of the achievement of substantial compliance with the Consent Decree is the reduction in crime that has been realized over the same time period. The drop in homicides is indicative of drops that have been experienced in other serious felonies. Homicides have, in fact, dropped from 647 in 2002 to 381 in 2008. This trend is continuing into 2009, with a further 30% year-over-year drop through mid-May. While cause and effect can, perhaps, be argued, what is clear is that with proper management, constitutional policing and effective policing can go hand in hand.¹¹

D. A Chronology of Significant Events

There have been many significant events over the term of the Consent Decree. We have included a chronology of those events in Appendix F to this report.

E. Overview of Compliance Assessments and Recommendations to the Court

As detailed in the section-by-section analysis contained in Section II of this report, below, we believe that overall substantial compliance with the Consent Decree has been achieved.¹² As such, and subject to the terms of the Transition Agreement, we recommend to the Court that the Consent Decree be terminated. We offer our thanks and appreciation to all who have contributed to this substantial effort and made our recommendation possible. We have acknowledged those individuals most centrally involved in the Acknowledgements section at the end of this report.

¹¹ Appendix E contains crime statistics for homicide, rape, aggravated assault and robbery. Substantial reductions in each of these crime categories were achieved over the period of the Consent Decree. In addition, a recent study performed by the Harvard Kennedy School ([Policing Los Angeles Under a Consent Decree: The Dynamics of Change of the LAPD, Program in Criminal Justice Policy and Management; The Harvard Kennedy School](#)) contains analyses of trends of both crime statistics and social attitudes over the years of the Consent Decree. It should be noted, however, that neither the Monitor nor the DOJ was interviewed or consulted in the preparation of the Harvard Kennedy School Report.

¹² In addition to the paragraphs of the Consent Decree covered by the Transition Agreement, there remain a few paragraphs of the Consent Decree which have not achieved the >94% compliance rate that was the goal of full compliance. For the most part, those paragraphs which have not reached this level were administrative in nature, and the Department has made significant strides toward compliance over the life of the Consent Decree.

II. Overview of Compliance Assessments and Recommendations to the Court

A. Management and Supervisory Measures to Promote Civil Rights Integrity

1. TEAMS II [Computer Information System]

The Consent Decree was, inter alia, intended to set standards of conduct for LAPD officers. It was understood by all parties that accumulating good information that accurately and quickly identified those officers at risk for failing to meet those standards was critical for the successful implementation of the Decree. At the same time, there was explicit recognition that the system in use by the LAPD at the time was inadequate for the task of attempting to identify potentially at-risk officers. The *March 2000 BOI Report* recognized the need for an Early Warning System similar to that which had, at times, been deployed in certain major city jurisdictions, including Boston, Denver and Miami-Dade. Both the BOI and the Christopher Commission called for a system that would track officer activities such as personnel complaints, use of force (UOF) incidents and vehicle accidents in order to identify potential problem officers. TEAMS II became a critical success factor for the Decree and one of the most difficult to implement.

Consent Decree Solutions

The Consent Decree required the City to establish a database, known as the Training, Evaluation and Management System II (TEAMS II), containing relevant information about its officers, supervisors and managers, to be utilized to promote professionalism and best policing practices and to identify and address potentially at-risk behavior.¹³

The Consent Decree also required the Department to prepare and implement a plan for inputting historical data into TEAMS II, including relevant numerical and descriptive information

¹³ TEAMS II was required to contain information related to all lethal and nonlethal uses of force, canine bites, officer-involved shootings, injuries and deaths reviewed by the LAPD Use of Force Review Board (UOFRB), pursuits, collisions, complaints, discipline, commendations, arrest reports, crime reports, citations, claims and lawsuits, assignment, rank and performance evaluation information training, and actions taken pursuant to a review of TEAMS II information, including non-disciplinary actions.

about each item and incident. TEAMS II was required to utilize common control numbers for cross-referencing single incidents from multiple documents, and the City was required to prepare a design document and develop and implement a protocol for using TEAMS II.

The Department was required to enter information in TEAMS II in a timely, accurate and complete manner, to maintain the data in a secure and confidential manner; and to utilize that data pursuant to a protocol that would enable the detection of patterns that would indicate potentially at-risk behavior.¹⁴

The Consent Decree included a specific timeline for the development and implementation of TEAMS II, as well as a requirement that the LAPD designate a unit responsible for developing, implementing and coordinating LAPD-wide risk assessments.

Overall Achievements of the LAPD

The TEAMS II risk management system was one of the bigger challenges required by the Consent Decree. Los Angeles, like most American cities, had dozens of legacy information systems that were outdated, unreliable and did not communicate with each other. Over the initial five-year term of the Decree and its three-year extension, the LAPD dedicated countless hours and resources to successfully develop TEAMS II. Its development and implementation is certainly among the City and Department's greatest achievements.

TEAMS II was designed as a tool for line supervision across the Department that would promote risk management as a top priority for every supervisor and Commanding Officer (CO) in the Department. The system combines risk-oriented data (uses of force, complaints, etc.) with operational data (arrests, traffic stops, citations, etc.) and is designed to automatically notify supervisory personnel when officers in their command deviate significantly from the norms of their sworn peers. TEAMS II has begun to facilitate a significant change in management practices. It is now incorporated into the LAPD Manual and in the daily business practices of a variety of areas, including promotions, pay-grade advancements, selections to specialized units such as GED, annual performance evaluations, transfers to new commands, daily use by the OIG, reviews by the Risk Management Executive Committee (RMEC) and all UOF and complaint investigations.

The system's success within the Department, and the accompanying recognition from both law enforcement agencies and academia, sets TEAMS II as a model for law enforcement agencies. In fact, the Department is now looked to as a leader in the Early Warning System arena, and

¹⁴ The City was required to maintain all personally identifiable information about an officer during their employment with the LAPD and for at least three years thereafter, and information necessary for aggregate statistical analysis must be maintained indefinitely.

departments such as Chicago, Detroit and New South Wales, Australia, are looking to the LAPD for guidance in this area.¹⁵

In order to meet Consent Decree requirements regarding the system, the City developed and deployed five new systems: the Complaint Management System (CMS), the Use of Force System (UOFS), the STOP database, the Risk Management Information System (RMIS) and the Deployment Planning System (DPS). The RMIS gathers data from the new systems, as well as numerous legacy systems, in order to produce relevant information for risk management analysis. The deployment of these systems was completed in the first quarter of 2007. While the timelines set by the Consent Decree were not met, it was always the position of the Monitor that it was more important to implement a well-designed system than one that resulted from haste. As described above, the system has proved that the time taken was worthwhile.

Consent Decree Compliance¹⁶

The City submitted the first draft of the RMIS Requirements/Design Document to the DOJ in October 2001. That document began a dialogue between the City and the Department of Justice regarding the overall functionality of the system, as well as specific data elements and electronic documents necessary to conduct valuable behavior risk assessment. Numerous matrices and revised drafts of the design document were shared between the two parties and with the Monitor. As a result of this process, approval of the RMIS Requirements/Design Document was given by the DOJ in January 2003.

The Consent Decree also required a Data Input Plan for inputting historical data into TEAMS II. The Data Input Plan was written and approved by all parties in the third quarter of 2003 and included an appendix that described data elements and time periods to be included and the amount, type and scope of historical data, as required. Such historical data was imported into TEAMS II over the course of the last few years for all categories, including complaints, UOF, traffic collisions, vehicle pursuits, arrests, claims and lawsuits, and training.

All five TEAMS II systems were completed and rolled out Department-wide in early 2007. At that time, the Monitor began its assessment of the substantive paragraphs of the Consent Decree related to TEAMS II and found that TEAMS II access to all entities was appropriate and that the TEAMS II policy outlining access was approved and distributed as required by the

¹⁵ While other departments in the country have “early warning systems” in place, most are manual processes that involve reviewing reports on a monthly or quarterly basis. None are as automated or up-to-date as TEAMS II, which is updated nightly and includes daily reviews of officers.

¹⁶ Some aspects of TEAMS II are subject to the provisions of the Transition Agreement.

Consent Decree. During the third quarter of 2007, the Monitor determined that the presence and accuracy rates for required data elements were in compliance with Decree requirements.

During the first quarter of 2007, the Monitor also attended training sessions for RMIS and the UOFS, and reviewed standard RMIS monthly reports, as well as different ad hoc queries, in order to ensure that TEAMS II has the capability to search and retrieve the information required. The Monitor found relevant and descriptive information about various items and incidents included in TEAMS II, and relevant scanned copies of certain documents were available in RMIS, the UOFS and other systems.

Additionally, the Monitor reviewed 34 different monthly reports produced by RMIS, including four individual summary and comparison reports, 15 different summary and comparison reports for units and/or workgroups and 15 different incident reports.¹⁷ The Monitor determined that these reports met the Consent Decree requirement that TEAMS II have the capability to search and retrieve numerical counts, percentages and other statistical analyses for individual employees, LAPD units, groups of officers, incidents or items and groups of incidents or items. Currently, the TEAMS II staff can run ad hoc queries upon request until such time as RMIS allows these ad hoc reports to be created in its system.

The Consent Decree also required that a common control number be used to link information about a single incident in TEAMS II. The Monitor reviewed working papers for incidents that are associated with other incidents from other source systems that feed the RMIS database and are cross-referenced in RMIS. The TEAMS II staff and Monitor verified that the cross-references that were in the source systems still existed and were working in RMIS.

During the third quarter of 2007, the Monitor conducted a review of some of the TEAMS II protocols¹⁸ by reviewing TEAMS II action items triggered during this time and found some overall issues regarding inconsistencies. Based on this review, the Department began to

¹⁷ These reports include comparisons of individuals and groups to various incidents or items for a particular date range selected, including but not limited to the number of uses of force to stops and arrests, the number of complaints to stops and arrests and the number of claims and lawsuits to stops and arrests, as well as information on each of the individual incidents.

¹⁸ The Monitor reviewed whether supervisors regularly review and analyze all relevant information in TEAMS II about officers under their supervision to detect any pattern that may indicate that an officer, group of officers or LAPD unit may be engaging in at-risk behavior; whether appropriate managers and supervisors undertake a more intensive review of the officer's performance when at-risk behavior may be occurring based on a review and analysis; whether LAPD managers regularly review and analyze relevant information in TEAMS II about subordinate managers and supervisors in their command regarding the subordinate's ability to manage adherence to policy and to address at-risk behavior; and whether there was routine and timely documentation in TEAMS II of actions taken as a result of reviews of TEAMS II information.

remediate some of these issues by providing a Departmental Notice¹⁹ and informal training to the command staff and all supervisors for further guidance on what constitutes appropriate review of action items and how to properly document such a review. The Monitor reviewed TEAMS II action items again in the third quarter of 2008 and found that all of action items were reviewed by supervisors on a regular basis and analyzed and that these action items were initiated when required. The Monitor found that 91%, of the action items reviewed were in compliance with the requirements to conduct a further review when at-risk behavior may be occurring. Of those non-compliant action items, some supervisors or managers did not conduct thorough enough reviews of work histories, did not consider any specific incidents within the work histories and did not document the justification for their dispositions.²⁰

The Monitor concluded that all action items were being reviewed and analyzed for adherence to policy and addressing potentially at-risk behavior on every review level by the appropriate managers and supervisors. The Monitor also found that managers were providing both direction and feedback for their subordinates' review and analysis of these action items and their adherence to policy and addressing at-risk behavior. The Monitor, however, did find that 14% of the action items reviewed took more than the maximum allowed time of 60 days for the completion of action item review. This deficiency was successfully addressed during the third quarter of 2008.

The Monitor also reviewed the same action items selected from the third quarter 2008 in order to assess compliance with additional requirements.²¹ The Monitor found that the protocols appropriately provide the guidelines required for the numbers and types of incidents requiring a TEAMS II review. The Monitor also found that the protocols appropriately indicate the guidelines required for the follow-up managerial or supervisory actions, including non-disciplinary actions, to be taken based on reviews of the information in TEAMS II. The Monitor conducted a further review of those action items with dispositions other than "no action" and found that those action items with dispositions other than "no action" were appropriately dealt

¹⁹ Notice titled, "Use of Complaint Information When Responding to RMIS Action Items," November 18, 2008

²⁰ In the remaining, the supervisors only considered the specific incidents or categories that were triggered, rather than reviewing the employees' entire work histories within that evaluation period and documenting the justification for their dispositions.

²¹ The requirements tested included the guidelines for numbers and types of incidents requiring a TEAMS II review by supervisors and managers and the frequency of these reviews; the follow-up managerial or supervisory actions (including non-disciplinary actions) to be taken based on reviews of the information in TEAMS II; the use of TEAMS II information as one source of information in determining when to undertake an audit of an LAPD unit or group of officers; and whether specific actions taken as a result of information from TEAMS II are based on all relevant and appropriate information, and not solely on the number or percentages of incidents in any category recorded in TEAMS II.

with 100% of the time, including resolutions of training, modified or non-field duties, informal meeting and complaints.

The Consent Decree also required that each officer be able to regularly review all personally identifiable data in order to ensure the accuracy of data. The Monitor found these provisions related to access were being met. The Monitor also reviewed a list of requests for corrections to TEAMS II and found the Department in full compliance with requirements related to correcting data errors.

During the third quarter of 2008, the Monitor reviewed the results of an organizational assessment TEAMS II staff conducted in March 2008. In that assessment, TEAMS II staff reviewed total Department-wide action items for the second quarter of 2008 and determined that Central Area Narcotics appeared to be statistically higher than the average of other specialized units for RMIS thresholds.²² TEAMS II staff, in conjunction with the Risk Analysis Section (RAS), presented this finding to the LAPD RMEC. Through the review process, it was determined that Central Area Narcotics had a low number of stops due to the Narcotics Task Force's use of a Department-approved exception to completing Field Data Reports (FDRs), as stated in the LAPD Manual and Department policy. Additionally, it was determined that supervisors were becoming directly involved in uses of force, rather than serving in a supervisory capacity.²³

As a result of these findings, the LAPD changed procedures to ensure that FDRs would be required from the Narcotics Task Force, and discussed with supervisors the importance of acting as a supervisor to an incident if possible, rather than getting directly involved in the UOF. TEAMS II staff and RAS continue to look at other specialized units, including gangs, vice and patrol, in each new organizational assessment and will explore alternative ways to review and assess the implementation of protocols regarding organizational assessments. In the organizational assessment conducted in the fourth quarter of 2008, the TEAMS II staff reviewed total Department-wide action items for the third quarter of 2008 and determined that some South Bureau gang units appeared to be higher than the average of other specialized units for RMIS thresholds.²⁴ TEAMS II staff, in conjunction with RAS, presented this finding to RMEC and it was determined that one Area had a high number of UOF but all were appropriately triggered. These organizational performance assessments are exactly the kind of data-based reviews

²² These specific action items referenced here are triggered when comparing the number of stops to the number of complaints and UOF. In this instance, Central Area Narcotics had a higher number of complaints and UOF when compared to the number of stops.

²³ This leads to a higher number of UOF incidents, compared to other Areas, if supervisors are also counted as involved officers in these UOF.

²⁴ These specific action items referenced here are triggered when comparing the number of UOF and complaints to the number of arrests.

envisioned by the Consent Decree and clearly have the potential of identifying problems in their early stages.

The Consent Decree also required that managers' and supervisors' performance in implementing the provisions of the TEAMS II protocol be taken into account in those individuals' annual performance evaluations. Additionally, whenever any officer transfers into a new Division or Area, the CO of the new division or Area was required to promptly assure a review of the transferred officer's TEAMS II record. The Department decided to develop system-generated action items to address these requirements in order to ease the burden on supervisors and ensure that such requirements are completed in a timely manner. Both types of system-generated action items were deployed Department-wide by June 2008. These action items allowed direct links to not only TEAMS II reports, but also to the Transfer Evaluation Report (TER) forms required for transfers and the performance evaluation forms for annual reviews.

Regarding system-generated action items for annual performance evaluations, the Monitor found that 87% of them were completed within the Department's 60-day requirement from the date of the supervisors' or managers' anniversary date, and 53% of them included assessments of the supervisors' or managers' performance in implementing the provisions of the TEAMS II protocol in their annual performance evaluations. Based on these results, the Monitor concluded that the requirements had not been fully addressed in these annual performance evaluations, nor were the action items related to these annual performance evaluations being completed in a timely manner.²⁵ To ensure that the implementation of the provisions of the TEAMS II protocol is assessed when evaluating supervisors or managers, TEAMS II has included instructions in the Performance Evaluations Report (PER) to prompt the reviewer to provide a response to this requirement. The Monitor also reviewed system-generated action items for transfers that had been completed in the third quarter of 2008 and found that the Department was not fully meeting the requirements regarding timeliness of the review, supervisory approval, adequate reviews and timely TEAMS II reports.

Requirements to train managers and supervisors, consistent with their authority, to use TEAMS II to address potentially at-risk behavior and to implement the TEAMS II protocol were met in the first quarter of 2007. The Monitor conducted this review again in the second quarter of 2008 and found that all supervisors who were required to do so had taken the RMIS TEAMS II training.

²⁵ The Department indicated that these new TEAMS II requirements for the annual performance evaluations will be emphasized in the supervisors' upcoming training courses and in ongoing COMPSTAT meetings in order to ensure that these provisions are adhered to for future reviews.

The Consent Decree also required the City to maintain all personally identifiable information about an officer included in TEAMS II. During the second quarter of 2007, the Monitor reviewed a time period for three separate Deployment Periods (DPs), including all terminated employees' events, comparing such events to a current organizational summary report, and found that the employee events were included in the current data.

The Consent Decree required that LAPD designate a unit within Human Resources Bureau that would be responsible for developing, implementing and coordinating LAPD-wide risk assessments, the operation of TEAMS II and provide assistance to managers and supervisors using TEAMS II to perform the tasks required in the protocol. The Monitor reviewed these requirements over the course of the Consent Decree and reported in the second quarter of 2007 that the RAS within Risk Management Group (RMG) was providing the Department with assistance in connection with TEAMS II, including providing a help desk for LAPD personnel to call when guidance is needed on how to evaluate risk and write a proper narrative to support any conclusions made based on that evaluation.

Lastly, the Consent Decree required that Force Investigation Division (FID) and Internal Affairs Group (IAG) investigators conducting investigations have access to all information contained in TEAMS II, where such information is relevant and appropriate to such investigations. In the second quarter of 2008, the Monitor reviewed working papers provided by the TEAMS II staff regarding their review of pertinent Departmental policy, the TEAMS II Access Control Matrix and TEAMS II User Access Profiles for all FID and IAG investigators and found that all FID and IAG investigators had appropriate access, as required.

The Monitor commends the Department for the significant improvement made during the term of the Decree, which was especially notable from the 2007 evaluation to the 2008 evaluation. As a result of the TEAMS II staff providing new policy, further training and appropriate guidance to the Department, the reviews of action items by managers and supervisors have seen significant improvement in both the required analysis and the appropriate documentation.

Recommendations

The Monitor commends the City, LAPD and specifically TEAMS II staff for their significant achievements in developing and implementing TEAMS II. After a slow start, the LAPD TEAMS II staff have, in the last three years, performed extraordinarily. What remains to be done is to ensure that the TEAMS II system continues to be institutionalized as part of the operations of LAPD. Because of the centrality of TEAMS to reform and the fact that it has not been fully operational for two years, teams will be subject to the terms of the Transition Agreement. Additionally, the Monitor offers the following recommendations to the LAPD, TEAMS II staff, AD and the OIG in connection with utilizing this system and proactively monitoring officers for potential at-risk behavior.

- The Department must promote greater compliance with the timeliness of evaluations generally.
- TEAMS II staff, the Department, AD and the OIG need to continue to carefully review and analyze action items by supervisors, managers and command staff to ensure that supervisors and managers are monitoring and identifying patterns of behavior for potentially at-risk officers. Reviews should be conducted of the documentation of analyses, the justifications for the dispositions of their reviews of these action items and the timeliness of the action.
- These entities should also continue to utilize TEAMS II to conduct their own audits and reviews of individual officers, units and Areas; such audits and reviews should include organizational assessments.
- The City and the Department should continue to monitor peer groups and thresholds to ensure that they are appropriate given the current status of the Department. These peer groups will change as the Department does. In addition, ongoing reviews of action items should be conducted to ensure they remain appropriate.
- The Department, AD and the OIG should attempt to utilize TEAMS II to its fullest capacity. New and powerful ways to use this robust system will hopefully be developed going forward.

2. Performance Evaluation System

One of the major findings of the *March 2000 BOI Report* was the failure of LAPD to meaningfully evaluate both its officers and its supervisors. The BOI found that “personnel [were] not being evaluated honestly or accurately – virtually all evaluations would be ranked as excellent or outstanding” and that “because an average evaluation is viewed as poor, those personnel who are evaluated accurately are penalized by the system.” The BOI recommended that the LAPD “restore integrity to [the] performance evaluation system so that it [could] be relied upon as a true measure of performance.”

Similarly, the DOJ’s investigation found that the LAPD “failed to utilize properly other supervision and risk management tools, including meaningful personnel evaluations...and assessments of officers’ history and performance when undertaking actions such as promotions and sensitive assignments.”

Consent Decree Solutions

The Consent Decree required the LAPD to “develop and implement a plan that ensures that annual personnel performance evaluations are prepared for all LAPD sworn employees that accurately reflect the quality of each sworn employee's performance, including with respect to:

- a. civil rights integrity and the employee’s community policing efforts (commensurate with the employee’s duties and responsibilities);
- b. managers’ and supervisors’ performance in addressing at-risk behavior, including the responses to Complaint Form 1.28 investigations;
- c. managers’ and supervisors’ response to and review of CUOF and Non-Categorical Use of Force (NCUOF) incidents, review of arrest, booking, and charging (ABC) decisions, and review of requests for warrants and affidavits to support warrant applications; and
- d. managers’ and supervisors’ performance in preventing retaliation.

The Decree also required the plan to “include provisions to add factors described in subparts a-d, above, to employees’ job descriptions, where applicable.”

Overall Achievements of the LAPD

At the inception of the Consent Decree, the requirements for the use of personnel evaluations were contained in Special Order No. 6, *Evaluation Procedure for Officers of the Rank of Lieutenant and Below – Revised*, originally issued on March 10, 1995. In 2004, a revised set of rules was promulgated by the Department.²⁶ The order included a revised evaluation form in which additional categories of evaluation were added.²⁷ Additionally, a section was added for details on training provided to the evaluated employee, particularly related to specialized assignments the employee might hold.

In May 2005, the LAPD issued an Office of Support Services Notice titled “Revised Dates for Completing Performance Evaluations for Lieutenants and Below.” This notice revised the schedule for completion of performance evaluations by supervisors, requiring all sworn officers to be evaluated during the month in which they were appointed to their current rank, rather than completing all evaluations during the same month for a specific rank.

CRID completed the *Supervisory Performance Evaluations Audit* during the quarter ending June 30, 2008, and the audit was approved by the Police Commission on July 8, 2008. The audit

²⁶ Special Order No. 47, *Performance Evaluation Procedures for Lieutenants and Below – Revised*, November 13, 2004.

²⁷ Specifically, the categories: “sets example of police integrity,” “effective supervisory oversight,” and “effective administrative investigations” were added.

found the Department in non-compliance with the requirements of subparagraphs 54a-d, as well as those of subparagraphs 62a and b, 70c, and 108i. The audit also found that many evaluations were either not completed on a timely basis or not completed at all.

The Department made significant improvements in the Department's performance evaluations process when it issued Special Order No. 44, *Activation of Standards Based Assessment – Lieutenants and Below*, dated November 25, 2008. The new Standards Based Assessment (SBA) focuses on supervisors providing an objective assessment of subordinates and uses documentation other than supervisors' subjective assessments to assess employee performance. The standards provided for officers to be rated as follows in the different subject areas:

- Greatly Exceeds Standards
- Meets or Sometimes Exceeds Standards
- Needs Improvement

The SBA requires documentation such as commendations and comment cards, which are, under these new guidelines, required to be attached to the completed rating form to support ratings of "Greatly Exceeds Standards" or "Needs Improvement." Additionally, COs are required to validate ratings other than "Meets or Sometimes Exceeds Standards" in order to ensure that ratings are not "inflated." The SBA will allow decision-makers to more easily distinguish candidates for promotion and selection to coveted positions. Although there has been no assessment of post-SBA compliance, the Monitor is confident that the implementation of the SBA combined with the oversight of AD, OIG and Police Commission will ensure that the Department continues to improve its performance evaluation system.

Consent Decree Compliance

The Monitor first assessed paragraph 54 during the quarter ending June 30, 2007. As part of the methodology changes that took effect in the fall of 2006, the Monitor included the following subparagraphs in its paragraph 54 assessment:

- 62c: Supervisor Conduct at Search Warrant Services or Categorical Use of Force (CUOF) Incidents
- 70c: Watch Commander Approval of All Booking Recommendations
- 108i: Quality of Supervisory Oversight Regarding Use of Confidential Informants (CIs)
- 116: Competency of Field Training Officers (FTOs) in Successfully Completing and Implementing FTO Training

The Monitor found the Department in non-compliance with paragraph 54, as the performance evaluation rating form and related instruction and training were being developed and not yet completed.

The Monitor again found the LAPD in non-compliance with paragraph 54 during the quarter ending September 30, 2008, based on its review of CRID's *Supervisory Performance Evaluations Audit*.

As described above, the Department issued Special Order No. 44, *Activation of Standards Based Assessment – Lieutenants and Below*, dated November 25, 2008, which addresses the requirements of subparagraphs 62c, 70c, 108i and paragraph 116. The Monitor noted that the SBA provides much-needed enhancements of the Department's performance appraisal process; however, the Monitor withheld a determination of compliance with paragraph 54 during the quarter ending December 31, 2008, pending the Department's implementation of the SBA.

The Monitor is confident that the implementation of the SBA, combined with the oversight of AD, the OIG and the Police Commission, will ensure that the Department continues to improve its performance evaluation system consistent with best policing practice and with the requirements of the Consent Decree.

Recommendations

The LAPD has made great strides in improving its performance evaluation system, and the Monitor is confident that the Department will continue to make improvements to its system. The Monitor offers the following recommendations:

- The LAPD should assess the SBA after it has been implemented for one year in order to gauge its effectiveness in the selection of officers to coveted positions such as Gang Enforcement Detail (GED) officers and FTOs.
- The Department should continue to audit compliance with the mandates of subparagraphs 62c, 70c, 108i and paragraph 116.

B. Incidents, Procedures, Documentation, Investigation and Review

1. Use of Force

During the course of its investigation of the LAPD, the DOJ found evidence of a pattern or practice of police misconduct and civil rights violations. DOJ allegations included the improper use of force and insufficient investigation into use of force incidents. The DOJ concluded the

LAPD's pattern or practice of police misconduct included, among other things, the unconstitutional use of force by LAPD officers. Also cited were "serious deficiencies" in training and supervision of officers. In reaching its conclusion, the DOJ reviewed LAPD policy statements, reports on officer-involved shooting (OIS) incidents in which nonlethal force was used, misconduct complaint files in which serious misconduct was alleged, information on civil suits filed against the LAPD and its officers, information on criminal charges filed against LAPD officers, information relating to police training and reports and memoranda prepared by the LAPD, the Board of Police Commissioners and the OIG. These allegations were deeply troubling to all who read of them and were at the heart of DOJ complaint. It has been the remediation of these deficiencies toward which much of the oversight effort has been directed. It is the LAPD's turnaround and notable success in this area that may be the single most encouraging aspect of the last eight years.

Consent Decree Solutions

In an effort to address the conclusions reached by the DOJ, the parties agreed on a number of administrative requirements surrounding CUOF incidents. These administrative paragraphs, collectively known as paragraphs 55 through 69 of the Consent Decree, defined required policies and responsibilities for officers, investigators, supervisors, the OIG and the Police Commission with respect to uses of force, whether lethal or nonlethal.²⁸ The specific requirements follow.

Establishment of an Investigation Division, Notification and Incident Response

The LAPD was required to develop appropriate policy to address notification of and response to CUOF incidents. In particular, UOF paragraphs 55 through 61 of the Consent Decree required:

- Creation of a unit (FID), whose main responsibility was to conduct administrative investigations of CUOF incidents, including those formerly conducted by the Robbery Homicide Division (RHD) or the Detectives Headquarters Division (DHD). All CUOF investigations were to be conducted by the FID and the FID was required to be assigned to a unit that reported directly to the CO of Operations Headquarters Bureau (OHB). Investigators assigned to the FID were to be Detectives, Sergeants or other officers of supervisory rank.²⁹ The CO of the unit could not have direct line supervision for any LAPD

²⁸ For purposes of the Consent Decree, lethal uses of force, known as CUOF, are defined as those uses of force involving an OIS, Neck Restraint, Head Strike with an Impact Weapon, Canine Bite requiring hospitalization, In-Custody Death (ICD) and a Law Enforcement Related Injury (LERI) requiring hospitalization. All other uses of force are nonlethal and classified as Non-Categorical Uses of Force (NCUOF).

²⁹ A supervisor is defined as sworn personnel at the rank of Sergeant I, Detective II or above.

geographic bureau. Finally, all investigators assigned to the unit were to be trained in conducting administrative investigations as specified in paragraph 80 of the Consent Decree;

- Immediate notification to the Chief of Police, the FID, the Police Commission and the OIG whenever there was a CUOF, and prompt “roll out” of FID investigators to all CUOF incidents 24 hours a day. The senior responding FID supervisor was to have overall command of the crime scene and investigation at the scene where multiple units were present to investigate a CUOF;
- A separate criminal investigation of a CUOF where the facts so warranted, which could not be conducted by the OHB Unit;
- Continued notification to the Los Angeles District Attorney’s Office (DAO) whenever an LAPD officer, on or off-duty, shot and injured any person during the scope and course of employment, and whenever an individual died while in the custody or control of an LAPD officer or the LAPD, and a use of force by the officer may have been a proximate cause of the death;
- A request of the appropriate bargaining unit(s) for a provision in its collective bargaining agreement that when more than one officer fires a weapon in a single OIS incident, then each officer should be represented by a different attorney during the investigation and subsequent proceedings;
- Immediate separation of all officers involved in or witness to an OIS until such time the officer(s) provide a statement to an investigator.³⁰

Supervisory Oversight of CUOF Incidents and Search Warrants

In response to its concerns of insufficient supervision, particularly with supervisory oversight for CUOF incidents and the service of search warrants, the Consent Decree required the LAPD, within a seven-day time period, to review a supervisor’s response to either situation and conclude on the appropriateness. The review was to be considered for each supervisor’s annual performance evaluation. Recognizing the seriousness and potential impact of a CUOF, the Consent Decree required the referral of certain officers to the LAPD’s Behavioral Science Services (BSS) Unit for an evaluation prior to being returned to the field.

In line with requiring a review of supervisor response to a CUOF, at the conclusion of a CUOF investigation, an LAPD manager was required to consider an involved officer’s work history,

³⁰ LAPD protocol is to permit a very limited public safety statement to the supervisor first to arrive at the scene. This statement is limited in scope to allow the supervisor sufficient information to address the situation, whether static or dynamic. The formal statement provided by an officer may be compelled should the officer decline a voluntary statement.

including information contained in the TEAMS II system, for any disciplinary or non-disciplinary recommendations.³¹ Again, in concert with other required reviews, consideration of an officer's history, although administrative in appearance, is an important function – it is data that if collected and digested properly can and will provide insight into trends requiring attention.

Other CUOF Administrative Requirements and Continued Practices

To ensure the timely and accurate reporting of uses of force, the Consent Decree required self-reporting of uses of force without delay utilizing a UOF form with prescribed data fields to capture the type(s) of force used, to identify the impact area of force and to specifically identify fractures and dislocations. Officers were also required to include use of a bean bag shot gun as a type of force.

In its investigation of the LAPD, the DOJ identified several preexisting best practices implemented by the LAPD:

- Continued Police Commission review of completed CUOF incident investigations;
- Continued reporting of all NCUOF to a supervisor to conduct a timely supervisory investigation of the incident;
- Continued UOFRB review of all CUOF incidents; and
- Continued Chain of Command (COC) review of NCUOF within 14 days of the incident absent any investigation deficiencies.

With regard to Commission review of CUOF investigations, the Consent Decree mandated that an investigation had to be presented to the Commission at least 60 days prior to the running of any applicable statute of limitations.

Overall Achievements of the LAPD

In December 2001, the LAPD issued Special Order No. 39, *Critical Incident Investigation Division – Established*. This Special Order established and defined the Critical Incident Investigation Division (CIID), which was the unit responsible for conducting administrative CUOF incident investigations, and set the basic parameters of who should attend these administrative investigations. It also established the requirement to separate officers involved in the incident, assigned responsibility with respect to the duty to assess Supervisorial Response to a CUOF and provided direction for the directed referral to the BSS Unit for certain involved and witness

³¹ Prior to the Consent Decree, the LAPD had established the UOFRB and a use of force review policy that, among other things, considered officer CUOF history.

officers to a CUOF. Once this Special Order was established, the Department rather quickly came into compliance with the requirements for OHB to attend all CUOF incidents, notify the Chief, Police Commission and OIG, notify the DAO and cooperate with the District Attorney (DA) on scene and ensure officers were separated.³²

The LAPD subsequently issued Special Order No. 35, *Duty to Assess a Supervisor's Response to a Categorical Use of Force*, in August 2003 to address the LAPD's lagging compliance with assessing a supervisor's response within the seven-day mandated period. However, the Department continued to struggle to achieve compliance throughout the remainder of the Consent Decree and the subsequent extension.

Between 2002 and 2006 the Department took additional steps to ensure that it remained in compliance with these administrative requirements, including improving their notification system and improving the time frame with which they reported the findings to the OIG and Police Commission.

As a result of findings identified and reported by the Monitor, specifically deficiencies reported by the Monitor related to the overall sufficiency of CUOF investigations and the LAPD's internal review of the CIID, the Department issued Special Order No. 8, *Force Investigation Division – Established*, in March 2006, which deactivated the CIID and established FID. The FID continues to operate under the direction of the Commanding Officer of Professional Standards Bureau (PSB).³³ Specific Department accomplishments related to the FID and its operations during the term of the Decree are described in detail below, and include:

- The LAPD appropriately established, defined selection criteria for,³⁴ staffed and trained those investigators assigned to the FID, and CUOF incident investigations were appropriately assigned to and managed by FID investigators.
- At the onset of the Consent Decree, the LAPD established a systematic process to address the notification and dispatching of investigators to CUOF incidents. To address continuing struggles with its response times, and in response to the Monitor's recommendation, during 2004 the LAPD enhanced its notification process, equipping necessary personnel with

³² The LAPD subsequently issued Special Order No. 15, *Revision to Special Order No. 39 – CIID Investigations*, dated April 10, 2002. This Special Order provided additional guidance requested by the Board of Commissioners to ensure the proper review of a CUOF investigated by the IAG. It also provided additional guidance for officer referrals to the BSS Unit.

³³ The CO of the CIID and its successor, the FID, never maintained geographical responsibility during the duration of the Consent Decree. As such, the LAPD was in compliance with this requirement throughout the term of the Consent Decree.

³⁴ The LAPD issued Special Order No. 30, *Selection and Assignment to Critical Incident Investigation Division*, in September 2003.

BlackBerry devices enabling the Department Command Post (DCP) to make electronic notifications.

- The LAPD successfully implemented a process whereby officers either involved in, or directly a witness to an OIS, were separated and remained separated pending providing a statement to an investigator.³⁵ In May 2003, the LAPD issued Special Order No. 19, *Obtaining a Public Safety Statement and Separating and Officer Following a Categorical Use of Force Incident – Established*. This Special Order provided guidance to officers and supervisors on the appropriate line of questioning for obtaining a public safety statement³⁶ at an OIS incident scene. It also expanded LAPD policy to require all officers involved in or witness to any CUOF to remain separated prior to providing a statement to an investigator. The Monitor commends the Department's adoption of this policy.

For virtually all uses of force reviewed by the Monitor, whether CUOF or NCUOF, the incidents were self-reported. At the onset of the Consent Decree, the LAPD enhanced preexisting use of force forms to capture the additional information required pursuant to the Consent Decree, and the forms were utilized throughout its duration.

With regard to NCUOF, although not a requirement of the Consent Decree, the LAPD recognized the importance of the supervisor's role in the investigation and precluded a supervisor involved in or witness to a use of force from completing the subsequent investigation.

Lastly, the LAPD enhanced FID investigative resources and self-imposed a more robust CUOF investigation completion schedule in an effort to provide completed investigations to the Commission well in advance of the mandated 60-day period.

Consent Decree Compliance

As indicated earlier, this particular section of the Consent Decree includes a number of administrative requirements relative to the Department's response to and investigation of uses of force. To the Department's credit, very early on it built upon preexisting policy and procedure in an attempt to address these requirements. First, the LAPD issued Special Order No. 39, and the Department relatively quickly came into compliance with a number of basic policy requirements in this area, including the requirements for OHB to attend all CUOF incidents; notify the Chief, Police Commission and OIG; notify the DAO and cooperate with the

³⁵ In certain incidents the Monitor recognized the logistical burden of transporting a large number of officers and looked to see whether involved officers were separated until questioned.

³⁶ A public safety statement is elicited by the first responding supervisor from all officers and witnesses to an OIS in order to secure the Area and prevent any further injury.

DA on scene; and ensure officers were separated.³⁷ The Department first came into compliance with some of these paragraphs in June 2002, and by December 2002, the Department had achieved compliance with many of the administrative requirements surrounding CUOF incidents. As described below, the exceptions to achieving compliance with these administrative provisions of the Consent Decree are the supervisory oversight requirements relative to the review of supervisor response to CUOF incidents, and the confidential psychological evaluation of officers in deadly CUOF incidents. By September 2008, the LAPD had not achieved compliance with these provisions.

Regarding the formulation and responsibilities of the FID, in 2006, the Monitor identified certain UOF paragraphs wherein the LAPD was deemed to be in substantial compliance and were rendered inactive for the purposes of monitoring. Of significance, the Monitor noted the following:

- As described above, the LAPD appropriately established, defined selection criteria, staffed and trained those investigators assigned to the FID. Training observed by the Monitor and deemed sufficient included “Assimilation Training” and Supervisory and Detective training. Evidence of attendance was adequately documented. It was the practice of the Monitor to review all completed CUOF incident investigations, wherein the Monitor noted all were assigned to and managed by FID investigators.
- At the onset of the Consent Decree, although the LAPD established a systematic process to address the notification and dispatching of investigators to CUOF incidents, the Department struggled with its response times. Timely notification was dependent on the DCP’s ability to contact and brief the long list of individuals with a need to know while continuing to meet its other responsibilities. In response to the Monitor’s recommendation, during 2004 the LAPD enhanced its notification process, equipping necessary personnel with BlackBerry devices enabling the DCP to make electronic notifications. Over the course of time, the FID timely dispatched adequate personnel in response to notification of a CUOF. Simultaneously, the LAPD adequately addressed notification to the Chief of Police, the Police Commission, the OIG and the DAO,³⁸ with few exceptions. Also at the onset of the Consent Decree and throughout its duration, the LAPD provided for cooperation with DAO personnel responding to a CUOF incident.
- In July 2002, the LAPD proposed meeting with the Los Angeles Protective League and the Command Officers Association to discuss providing officers with separate legal representation when more than one officer is involved in an OIS incident. Both organizations declined discussing the matter any further with the LAPD, and throughout the

³⁷ Consent Decree paragraphs 56, 58-60

³⁸ Notification to the District Attorney’s Office was a pre-Consent Decree requirement and practice of the LAPD.

term of the Consent Decree, officers regularly were represented by the same attorney(s) when involved in an OIS.

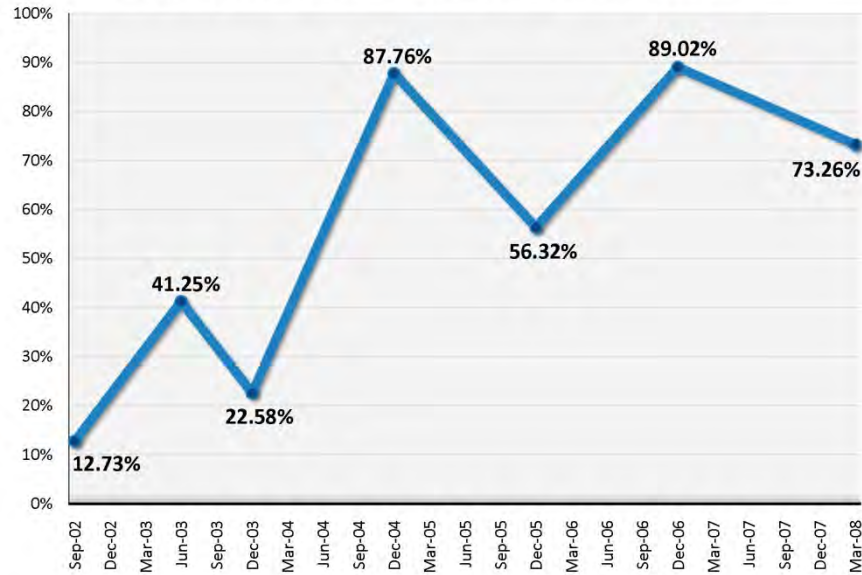
- With the exception of one reporting period, the LAPD successfully implemented a process whereby officers either involved in or directly a witness to an OIS were separated and remained separated pending providing a statement to an investigator.

Through continued interviews, observations and review of CUOF investigations, the Monitor reaffirmed the LAPD's continued adherence to the paragraphs establishing and defining the FID. Where plausible, the Monitor alternatively placed reliance on certain *Categorical Use of Force Systems Audit Reports* and related working papers prepared by the LAPD's AD. Prior to placing reliance on AD's findings, the Monitor conducted meta-audits of AD's audits and findings to gain comfort with employed methodologies, analysis and conclusions.

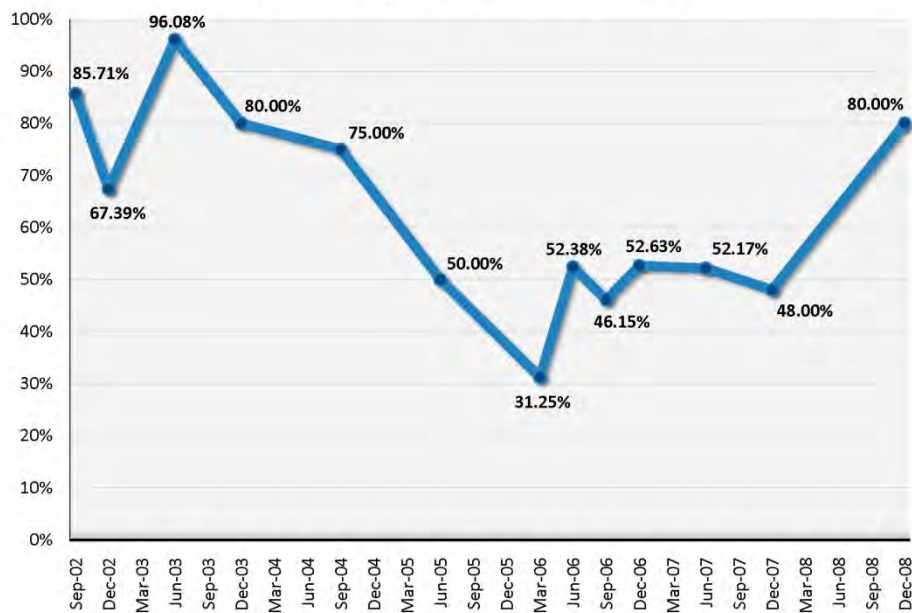
Unlike those paragraphs addressing the formulation of the FID, during the initial five-year evaluation period and continuing through the present, the LAPD did not achieve substantial compliance with the supervisory oversight requirements relative to reviews of supervisor responses to search warrants and CUOF incidents. In reaching this conclusion, the Monitor either requested evidence of a review of supervisory response and oversight for virtually all CUOF incidents and samples of search warrants served during specified time periods or placed reliance on similar analyses completed by Civil Rights Bureau sworn personnel or placed reliance on certain LAPD AD reports. The illustrations below detail the level of compliance achieved by the Department for the entirety of the Consent Decree.³⁹

³⁹ The Monitor deemed substantial compliance to equate to those paragraphs where the Department has been in compliance for two consecutive years.

Supervisor Response Search Warrants



Supervisor Response CUOF



Although the Department was adept at identifying and referring officers involved in a CUOF for counseling, the LAPD did not achieve substantial compliance in that involved officers were allowed to return to the field prior to clearance by a BSS doctor or the underlying documentation was insufficient and did not permit an assessment of compliance. The following illustrates the LAPD's compliance over the duration of the Consent Decree:



The Monitor notes that the Department issued a Notice by the Consent Decree Bureau, *"Deployment Planning System Enhancement for Categorical Use of Force Incidents,"* dated August 6, 2008. The Notice discusses a DPS enhancement that prevents "non-field certified" employees from being deployed in the field until otherwise advised by the CO of return to field status. The DPS enhancement was designed to address the documentation deficiencies previously identified by the Monitor, AD and CRID's inspections. Given the Department's performance just prior to the implementation of the DPS enhancement compared to performance subsequent to its implementation (97.6% compliance versus 90.6%, respectively), the Monitor was unable to conclude on its effectiveness.

In reviewing officer histories and recommending any disciplinary or non-disciplinary action, the LAPD's record was mixed. In virtually all CUOF incidents reviewed, the Monitor noted sufficient documentation that officer histories were reviewed and considered for non-disciplinary action.

This most frequently consisted of providing officers with varying levels of training to address tactical concerns identified either by the reviewing CO or members of the UOFRB. For those incidents in which the officers' actions were deemed administrative disapproval, the LAPD was inconsistent in documenting review. However, over the course of the Consent Decree, the LAPD was successful overall in considering officer work history and recommending discipline, and achieved substantial compliance.⁴⁰ It should be noted that for the majority of the monitoring period, the TEAMS II system was not available for officer history consideration; absent this requirement, the Monitor elected to render this paragraph inactive at the end of the initial monitoring period.

The Monitor noted that reviews of officer actions, particularly those reviews resulting in non-disciplinary action, frequently identified tactical concerns resulting in varying levels of recommended training. It was not always evident once training was ordered that sufficient follow-up occurred to ensure officers received the training. At the Monitor's recommendation, the LAPD implemented procedures to track and document training for future officer work history consideration, and the Monitor has since confirmed documentation of ordered training.

With regard to NCUOF, as mentioned above, the LAPD recognized the importance of the supervisor's role in the investigation and precluded a supervisor involved in or witness to a UOF from completing the subsequent investigation. Although the Monitor identified a handful of investigations wherein a supervisor arriving at the scene was witness to all or a portion of a UOF and conducted the investigation, the investigations were deemed sufficient and unbiased and were brought to the attention of the LAPD. By the end of the initial Consent Decree term, the LAPD and its supervisors demonstrated their ability to timely respond to and investigate the multiple less than lethal uses of force that occur on a daily basis. Therefore, the Monitor found the Department in substantial compliance with this requirement.

For CUOF investigations reviewed, the Monitor noted all were presented to a UOFRB containing appointees with varying levels of experience, expertise and perspective. On occasion, the Monitor observed the UOFRB process, noting that its structure and mandate serve the LAPD and its officers well. Over time, the OIG's role and participation has grown to the level expected at the onset of the Consent Decree. As the Department was always in compliance with this requirement, the Monitor concluded substantial compliance at the completion of the initial five-year term of the Decree.

Lastly, with the exception of two rating periods, the Monitor noted that the LAPD provided the Police Commission, via the OIG, with completed CUOF investigations in a timely fashion. For an approximate one-year period, there were delays in meeting the mandated time frame, largely attributable to the reorganization of the CIID to the FID and resource constraints. The LAPD,

⁴⁰ In assessing compliance with this paragraph, agreement with the appropriateness of discipline administered was not criteria for compliance. Rather, the Monitor weighed multiple variables to include the overall documentation of review.

nonetheless, enhanced FID investigative resources and self-imposed a more robust investigation completion schedule in an effort to provide completed investigations to the Commission well in advance of the mandated 60-day period. In quick order, the LAPD was able to achieve and maintain substantial compliance.

Recommendations

The Monitor recommends that the LAPD continue its practice of prompt notification to the Chief of Police, the Police Commission, the FID, the OIG and the DAO for all CUOF incidents. Additionally, OIG and DAO respondents should continue to be granted access to the incident scene. Although only a requirement for OIS incidents, the Monitor concurs with the LAPD's decision to expand the requirement of separation of involved and material witness officers for all CUOF incidents pending a statement, and recommends this as a continued best practice.

With regard to assessing supervisory response to the service of search warrants and CUOF incidents, the LAPD, with the oversight and assistance of AD and the OIG, should strive to achieve compliance and improve the overall quality of supervisor assessments. As important as it is to assess officer response to certain situations, the Department must similarly assess its supervisors, namely Sergeants and Lieutenants, who typically control incident scenes. Such assessments simply identify what individuals do right and wrong and often offer insight into situations previously not contemplated. Similarly, when considering officer actions for officers involved in a CUOF, equally important to documenting the review is ensuring officers receive the required training.

Lastly, the Department, with the assistance of the OIG or AD must monitor those DPS enhancements designed to ensure that officers are not scheduled for field duty until all administrative obstacles have been addressed and all decision-makers are confident it is within the officer's and the Department's best interest to return to field duty. Although an administrative step, it is nonetheless an important control procedure. Should the DPS enhancement prove ineffective, the LAPD must reassess and devise alternative measures to ensure this requirement is met going forward.

In numerous substantial and material ways, the LAPD has adopted and implemented best police practice in the use of force area, a far cry from the practices of eight years ago. It is crucial that the LAPD continue to police itself in this area, with the assistance of the OIG and outside governmental institutions like the Mayor, the City Council, the City Attorney, and the DA.

2. Search and Arrest Procedures

For a period of time in the late 1990s, "Rampart" was a one-word symbol for out-of-control police corruption in the United States. Lack of controls and poor oversight and training in gang

units and in connection with search and arrest procedures were often cited as facilitating the scandal. The DOJ's investigation found that the LAPD was engaging in a "pattern or practice" of, inter alia, false arrests to include improper seizures of persons, making arrests without probable cause, and improper searches of persons and property with insufficient cause. DOJ concluded that "these types of misconduct occur on a regular basis in the LAPD."

In the *March 2000 BOI Report*, the Operations work group found that the Department Manual did not require supervisory review of a search warrant affidavit before it was submitted to a magistrate, and there was no system in place to track a search warrant unless it was actually served and registered with the County Clerk's Office. The work group also reviewed guidelines for the tactical service of search warrants and found that all operational bureaus required the presence of a Lieutenant at the service of any warrant other than those that are essentially administrative, e.g., telephone records.

The BOI's findings stressed a dire need for greater control and training regarding search warrants, as the preparation, service, and execution of search warrants and probable cause arrest warrants ("Ramey" warrants) is an operational process that exposes the Department to a multitude of risk-management issues. The BOI concluded that the LAPD should ensure adequate management review and oversight, including management review of a search and "Ramey" warrant affidavits prior to submission to a magistrate and should establish a tracking system for all warrants, served or not, to facilitate audit oversight and scrutiny.

Regarding arrests, the BOI recommended that "although booking advice should be obtained from a detective or specialized unit supervisor, booking and report approvals should always be obtained from the Area watch commander who should be responsible for visually inspecting each arrestee." The BOI also recommended that "whenever possible, the supervisor approving a booking should be the same supervisor who reviews and approves the related reports" in order to "[ensure] that sufficient probable cause is articulated in the arrest report and that any evidence seized is properly recorded and booked."

Consent Decree Solutions

Warrants

The Consent Decree reforms in connection with search warrants, Ramey warrants, and return service documents focused primarily on their quality and compliance with procedures. Specifically, the Consent Decree required supervisory review of all search warrants and Ramey warrants, to include the following:

- a. A review for completeness of the information contained therein and an authenticity review to include an examination for "canned" language, inconsistent information, and lack of articulation of the legal basis for the warrant.

- b. A review of the information on the application and affidavit, where applicable, to determine whether the warrant is appropriate, legal and in conformance with LAPD procedure.
- c. A review of the plan for executing the warrant and a review of the execution of the warrant after it occurs (after-action review). In addition, a supervisor was required to be present for the execution of the warrant.

In addition, the Consent Decree required each Area and specialized division of the LAPD to maintain a search warrant tracking log listing each search warrant, the case file where a copy of the warrant is maintained, the name of the officer who applied for the warrant and the name of each supervisor who reviewed the application for the warrant.

Arrests

The Consent Decree required the Department to “continue to require all booking recommendations be personally reviewed and approved by a watch commander as to appropriateness, legality, and conformance with Department policies.” This requirement included three distinct subparagraphs:

- Subparagraph 70a required that “such reviews shall continue to entail a review for completeness of the information that is contained on the applicable forms and an authenticity review to include examining the form for ‘canned’ language, inconsistent information, lack of articulation of the legal basis for the action or other indicia that the information on the forms is not authentic or correct.”
- Subparagraph 70b required that “supervisors shall evaluate each incident in which a person is charged with interfering with a police officer (California Penal Code § 148), resisting arrest, or assault on an officer to determine whether it raises any issue or concern regarding training, policy, or tactics.”
- Subparagraph 70c required that “the quality of these supervisory reviews shall be taken into account in the supervisor’s annual personnel performance evaluations.”

This section of the Decree also required that “all detainees and arrestees brought to an LAPD facility shall be brought before a watch commander for inspection...for injuries as required by LAPD procedures and, at a minimum, ask the detainee or arrestee the questions required by current LAPD procedures, which are:

- 1) “Do you understand why you were detained/arrested?”
- 2) “Are you sick, ill, or injured?”
- 3) “Do you have any questions or concerns?”

If a watch commander was not available, the LAPD was required to “ensure that the person [be] inspected and interviewed by a supervisor who did not assist or participate in the person’s arrest or detention.” The supervisor or watch commander inspecting was required to sign the related booking documentation, which was required to indicate their compliance with these procedures.

Overall Achievements of the LAPD

Warrants

The Department’s efforts to comply with Consent Decree requirements regarding warrants began with the development and establishment of Special Order No. 25, *Search Warrant and Probable Cause Arrest Warrant Procedures*, dated August 10, 2001, which outlined procedures for tracking and monitoring the service of all search and Ramey warrants in accordance with Consent Decree requirements. Special Order No. 25’s search warrant policy was a good first step in institutionalizing supervisory oversight over warrants, and it was the first time the Department had a formalized tracking system for recording and monitoring search warrants.

The Department then published and distributed Special Order No. 28, *Activation of the Warrant Service/Tactical Plan Report*, dated July 15, 2003, which included a new search warrant tactical plan with a supervisor’s debriefing summary section and a CO’s analysis section, as well as a new search warrant tracking log with revised fields clarifying the information necessary to properly complete this log. The new search warrant tactical plan was different from prior tactical plans in that it required the CO to complete an analysis of the incident and a comment sheet for each supervisor who had oversight during the service of the warrant to assess the appropriateness of the service of the warrant.

An additional important aspect of the Special Order No. 28 policy was that it provided the Department’s supervisors and command staff with specific requirements regarding the debrief summary and CO’s analysis, so that there was less ambiguity in what was required for their supervisory review and oversight of the incident and post-incident review. In addition to the CO’s analysis on the tactical plan, Special Order No. 28 makes the CO responsible to ensure the following regarding warrants: presence of a supervisor during execution (Lieutenant if served by a gang unit); maintenance of a single location of warrant tracking logs in their Area or specialized division; accuracy on warrant tracking log of the warrant; provision of approval on warrant tracking log at completion of each DP; and completion of a detailed analysis of the performance of the supervisor at each scene of the service of the search or Ramey warrant on a “Comment Sheet” to be included in the supervisor’s personnel file.

Arrests

In June 2001, the LAPD issued Special Order No. 12, which established specific evaluation procedures for arrests on charges of interfering, resisting arrest, or assault on an officer. Specifically, this order required the watch commander to ask all detainees and arrestees

brought into the division the three questions required by paragraph 73. A division supervisor was required to conduct this interview, even if the arrestee was not brought directly to the division.

In December 2001, the Department issued Special Order No. 42, which revised the detention tank log, the secure detention of juveniles log, and the non-secure detention of juveniles log. The redesign of the detention tank log specifically addressed the Decree requirement that watch commanders question the detainee upon arrival at the division. The new log provided a specific box for the watch commander to document that the mandated interview has been conducted. The order described the procedures required for completing the newly revised detention logs.

The Department issued Special Order No. 18, *Detention Logs – Revised*, on May 19, 2003, in which the secure and non-secure juvenile detention logs were revised to document the arrest charge of a detained juvenile and the name and relationship of the person to whom the juvenile is being released.

Consent Decree Compliance

Warrants

In the first three years of the Consent Decree, the LAPD took immediate steps to identify the problems with the service and tracking of search warrants, and began to develop procedures and guidelines to bring both search warrants and search warrant tracking logs into compliance with these Consent Decree requirements. Early on, the Monitor concluded that the Department was in compliance with requirements regarding completeness of the information on the application and affidavit and whether the warrant is appropriate, legal and in conformance with LAPD procedures. However, the Monitor found that the other requirements of this section were not being met. Specifically, the search warrant packages reviewed lacked a written execution plan when required, lacked supervisory approval or timely supervisor's approval, lacked a written debriefing critique/after-action report when required, lacked a CO's approval or timely CO's approval, lacked required forms within the search warrant package, lacked timely return of the search warrant and had inconsistent information between and among forms within the search warrant package. Regarding search warrant tracking logs, the Monitor found that the information on these logs was either missing, inconsistent with the related warrant or did not include supervisors' approval.

In early 2005, the Monitor reviewed and relied on AD's February 2005 *Warrant Applications and Supporting Affidavits Audit*, after conducting its own meta-audit of AD's audit and findings. AD had findings similar to the Monitor's earlier reported findings that search warrants had incomplete information, lacked documentation of required information for conformance with LAPD procedures and lacked supervisory oversight for approving warrants and post-incident review requirements. However, AD's findings differed from the Monitor's regarding search

warrant tracking logs, as AD found that the tracking logs reviewed were both complete and accurate in terms of their search warrant information. In 2006, the Monitor reviewed AD's subsequent February 2006 *Warrants Audit* and concurred with AD's findings that the Department had achieved compliance with the completeness requirement but was still not in compliance with other requirements, including underlying actions, conformance with LAPD procedures, supervisory oversight and post-incident review. In this audit, AD also found that the completeness and accuracy requirements related to the warrant tracking log were not being met.

The Department did not achieve substantial compliance with the Consent Decree's requirements related to search warrants and the search warrant log at the expiration of the original term of the Decree. As a result, the Monitor continued to assess the Department's compliance with these requirements during the extension to the Consent Decree. The Monitor's first review during the extension was based on AD's December 2006 *Warrant Applications and Supporting Affidavits Audit*. The Monitor concurred with AD's findings that the Department was not meeting the requirements regarding completeness, canned language, inconsistent information, appropriateness, legality and conformance with LAPD procedures, and supervisory oversight of application/affidavit, incidents and post-incident review. In addition, the warrant tracking logs were again *non-compliant* with requirements regarding completeness and accuracy. The Monitor reported that the Department continued to struggle with documentation requirements, as search warrant packages – in varying degrees – continued to fall short of complying with documentation requirements regarding completeness, authenticity, and the appropriateness and legality of officers' actions,⁴¹ as well as requirements regarding supervisory oversight of applicable incidents and post-incident reviews and the completeness and accuracy of the Warrant Tracking Log.

The Monitor reviewed AD's December 2007 and December 2008 *Warrant Applications and Supporting Affidavits Audit*, both of which reported that, similar to the prior audits, the Department was struggling with search warrant and search warrant tracking log requirements. In both years' audits, the Department did not comply with requirements regarding completeness of information, inconsistent information, conformance with LAPD procedures, supervisory oversight of the application/affidavit and post-incident review for search warrants. In addition, the search warrant tracking logs were not meeting the requirements regarding completeness and accuracy of information. The Monitor recognized that although the Department did not meet the requirements regarding supervisory oversight of the application/affidavit and post-incident review, as indicated above, these compliance rates did increase significantly in the 2008 audit from the previous year's audit.

⁴¹ The Monitor notes that although there were concerns in relation to the documentation of the officers' actions, AD concluded that the Department was in 100% compliance with the articulation of the legal basis for the warrants.

In sum, the Monitor believes that substantial progress has been made on the most material aspects of these provisions, and recognizes that these warrants meet the specific requirements regarding legality. While there is work to be done, the Monitor is confident that the Department can remedy these additional deficiencies in the future with the assistance and oversight of AD and the OIG through, among other things, their continuing quality audits and reviews.

Arrests

In its initial review of compliance with the requirements regarding the watch commanders' inspections of detainees and arrestees (paragraph 73) and requirements regarding supervisors' evaluation of incidents involving specified charges (subparagraph 70b), the Monitor found the LAPD in non-compliance. Regarding the watch commander inspections, the Monitor recommended that the Department reconsider how interviews and inspections are conducted, since the inspections/interviews taking place in the divisions were occurring in the presence of the arresting officer.⁴² Regarding subparagraph 70b, the Department interpreted the requirement to mean that the watch commander review was only necessary on cases where these charges are the sole booking charge. The Monitor recommended that Special Order No. 12 be revised to instruct watch commanders to review all cases where the facts make up the elements of these charges and reported that regardless of the final interpretation of this requirement, this revision would not only provide better supervisory oversight but it would assist the Department in its own internal audit process.

In its first review of compliance with subparagraph 70a in 2002, the Monitor found the Department in overall non-compliance. The Monitor found that Special Order No. 13 sufficiently explained the supervisors' responsibilities during the arrest process. However, the Monitor found that the training for Basic Supervisor School and Watch Commander School was unsatisfactory, since neither curricula specifically addressed when and how supervisors should conduct their reviews. The Monitor also relied on AD's September 2002 *ABC Audit*, and agreed with the finding that only 55.5% of the arrest packages reviewed were in compliance. It was clear from this audit that Supervisors were either not adequately reviewing the arrest packages or unable to identify significant issues in the paperwork. The Monitor endorsed AD's recommendation to remind personnel of existing protocol for the completion of documents associated with arrest packages. The Monitor further recommended that this topic be addressed in formal training for both supervisors and the officers.

In 2003, the Monitor withheld a compliance determination with subparagraph 70b, as a final interpretation of the subparagraph's requirements had only recently been made. The Monitor

⁴² The Monitor noted that one of the fundamental purposes of this effort is for the watch commanders to interview the detainees in order to discover if any abuse had taken place at the hands of the arresting officers.

recommended that Special Order No. 12 and the revised training explicitly state the actual charges that fall under the umbrella of subparagraph 70b and clearly indicate that in any instance in which such a charge could be appropriately applied, the requirements of 70b would need to be met. Additionally, the Monitor recommended that the Department develop a means by which to identify all cases in which a 70b offense could be charged in order to allow for a more generous sample to measure compliance.

The Monitor concurred with AD's findings in its 2004 *ABC Reports Audit*, and found the LAPD in compliance with subparagraph 70a but in non-compliance with subparagraph 70b. The Monitor noted that the LAPD developed and implemented a new NCUOF policy and training that, while not developed to specifically address subparagraph 70a, focused on proper completion and oversight of the booking process. Following a review of the new policy, which was finalized on June 11, 2004, and attendance at the training sessions, the Monitor was satisfied that the training adequately addressed secondary compliance requirements with this subparagraph. The Monitor relied on AD's 2005 *ABC Reports Audit*, and found the LAPD in compliance with both paragraph 73 and subparagraphs 70a and 70b during the quarter ending December 31, 2005.

At the end of the initial term of the Consent Decree, the Monitor found the LAPD in substantial compliance with subparagraph 70a and paragraph 73; these paragraphs were no longer actively monitored. The Monitor continued to actively monitor compliance with subparagraph 70b during the extension period.

Based on the findings in successive *ABC Reports Audits* from 2006 through 2008, the Monitor found the LAPD in compliance with subparagraph 70b in 2006, and in non-compliance in 2007 and 2008. The 2008 audit found that 88% of packages it reviewed were in compliance with the requirements of subparagraph 70b. The remainder either contained no documentation of the incidents on the watch commander's daily reports or did not include the watch commander's evaluation of the incident on the Watch Commander's Log. While compliance did not reach the level of >94%, the Department is close to compliance, and the Monitor hopes that the combination of AD, OIG and Police Commission oversight can ensure that the Department retains a process to evaluate California Penal Code § 148 type incidents.

Recommendations

The LAPD has made substantial progress in its oversight of the mainly administrative processes governing search warrants. There remain areas that need strengthening. With the policies and procedures put in place by the Department, and the oversight role of AD and the OIG to ensure that the policies and procedures are followed, the Monitor believes that, going forward, search warrants and warrant tracking logs will be properly prepared, reviewed, served and tracked under these strict guidelines and subject to adequate supervisory oversight. The Monitor offers the following recommendations regarding search warrants and warrant tracking logs.

- The documentation of supervisory oversight in connection with the debriefing summary, CO's analysis and Comment Sheet should include all outlined components of the Department policy and the Consent Decree and be sufficiently specific to ensure that proper supervisory oversight of each individual search warrant and the evaluation of the supervisor's actions are achieved.⁴³ AD and the OIG should continue their stringent practice of review, but consider the need for more specifics surrounding this supervisory oversight documentation, rather than general nonspecific statements of circumstances in such evaluations.
- The LAPD should provide refresher training to watch commanders and supervisors in order to ensure that all 70b incidents are documented appropriately.

The Department should continue to ensure that the watch commander inspecting a detainee or arrestee be uninvolved with the arrest or detention.

3. Initiation of Complaints

During the course of its investigation, the DOJ determined that the LAPD had in place policy and procedures for the acceptance of complaints. However, the DOJ's investigation also raised serious concerns that not all complaints lodged by civilians or sworn personnel were documented, preventing any investigation and resolution.

Consent Decree Solutions

This section of the Consent Decree mandated the methods by which the LAPD must receive complaints and maintain complaint materials. The requirements served to enhance the policies and practices already established by the LAPD. Specifically, the LAPD was required to have the capacity to accept any complaint in virtually any form,⁴⁴ anonymously, and at various locations.⁴⁵ Complaint material must include pre-addressed postage-paid envelopes in easily accessible Los

⁴³ The Monitor often found generic statements from supervisors indicating that there were no problems during the service; such statements do not address specifics regarding a particular warrant's execution or the supervisor's oversight. By requiring the inclusion of specifics, the Department will cover any risk management issues that may arise, ensure that supervisors and COs are reviewing each individual search warrant, and allow the search warrants and the personnel files to adhere to both Decree requirements and best police practices.

⁴⁴ Receipt must be accommodated whether in writing, in person, by mail, by telephone, facsimile transmission or by electronic mail.

⁴⁵ LAPD headquarters, any LAPD station or substation, the offices of the Police Commission and the OIG.

Angeles locations in seven mandated languages.⁴⁶ Additionally, complaint materials must be readily available at the request of community groups and public and private centers. Lastly, the public must have continued access to the LAPD's 24-hour toll-free telephonic complaint hotline, and calls to this line must be recorded.

Another route for an individual to claim misconduct by an officer or other employee of the LAPD is to file a civil lawsuit on or claim against the City. All lawsuits and claims filed were required to be communicated to the LAPD so that the underlying allegations could be investigated.

Once a complaint was completed and presented to the LAPD, it had to be assigned a unique complaint number. Any complaint presented had to be accepted without requiring the complainant to sign any form that in any manner limited or waived his or her ability to file a complaint or a civilian lawsuit in court.

The LAPD was required to initiate a complaint against any officer who failed to assist any civilian from filing a complaint, such as refusing to provide complaint material, refusing to accept a complaint or attempting to dissuade the filing of a complaint.

Officers were also required to notify without delay the LAPD whenever they are arrested or criminally charged for any conduct, or named as a party in any civil suit involving their conduct while on duty. Additionally, an officer was required to immediately notify the LAPD if named as a defendant in a civil suit resulting in a temporary, preliminary or final adjudication in favor of a plaintiff complaining of off-duty violence, threats of physical violence or domestic violence by the officer.

Lastly, recognizing that misconduct, in certain situations, might be observed solely by another officer and that officers might be hesitant to report misconduct, the Consent Decree mandated that officers continue to report without delay certain misconduct they witness.⁴⁷ Witness officers were required to report alleged misconduct directly to the IAG or a supervisor for completion of a complaint form.⁴⁸

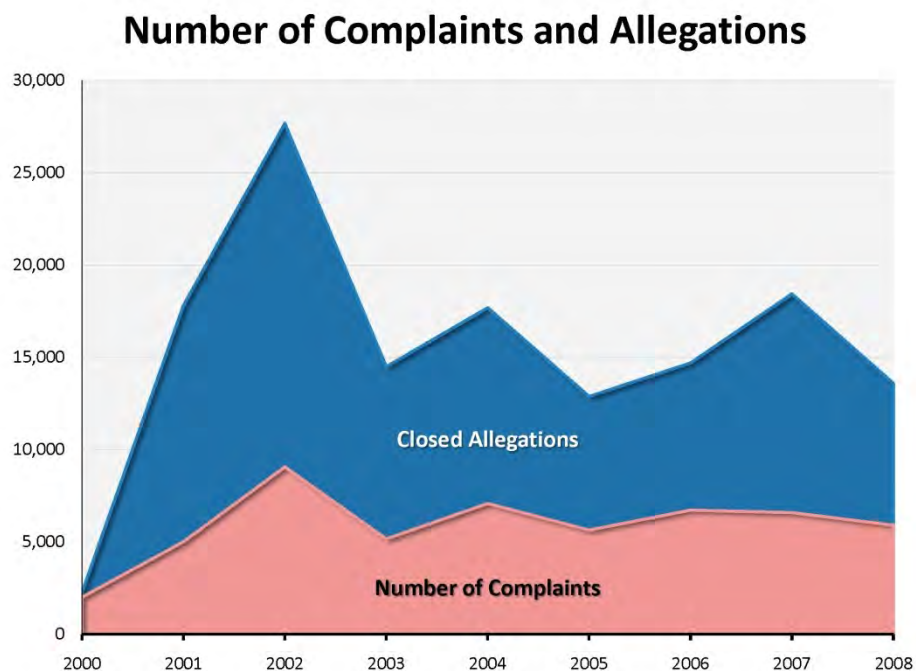
⁴⁶ English, Spanish, Japanese, Cantonese, Korean, Tagalog and Vietnamese

⁴⁷ Excessive use of force or improper threat of force; false arrest or filing of false charges; an unlawful search or seizure; invidious discrimination; an intentional failure to complete forms required by LAPD policies and in accordance with procedures; an act of retaliation for complying with any LAPD policy or procedure; or an intentional provision of false information in an administrative investigation or in any official report, log or electronic transmittal of information.

⁴⁸ This requirement applies to all officers, including supervisors and managers who learn of evidence of possible misconduct through their review of an officer's work.

Overall Achievements of the LAPD

The LAPD issued Special Order No. 1, dated January 1, 1998, *Revised Definition of Personnel Complaint, Modification of Personnel Complaint Procedures and Revision of Complaint Related Forms*, that, among other things, mandated the reporting of any misconduct, regardless of significance, for investigation. The LAPD subsequently issued Special Order No. 8, dated February 24, 2000, *Complaint Reporting Procedures – Revised*. This policy superseded Special Order No. 1 and simply clarified the difference between public and Department complaints and further defined certain administrative requirements for the complaint intake process. During 2000, the LAPD experienced a significant jump in reported alleged misconduct, which placed a strain on its existing complaint investigation infrastructure, both COC and the IAG. The following chart reports, by year, the number of complaints received by the LAPD and the number of underlying allegations per closed complaint investigation:



Prior to the DOJ's investigation, the LAPD had established a thorough complaint intake process that included requirements to accept a complaint in virtually every required method and locale and to assign a unique case intake number, or CF number, for tracking and referral.

Within short order, the LAPD coordinated the production of complaint material and informative posters in the seven mandated languages and made such information available to the public and community groups. Posters were prominently displayed in all Divisions in all Bureaus.⁴⁹

In July 2001, the LAPD issued Special Order No. 18, *Risk Management Group – Established*. This Special Order centralized the Department’s risk management under the Human Resources Bureau and specifically mandated maintaining liaison with the Office of the City Attorney to, among other things, reduce risk.

With respect to an officer’s duty to report misconduct, the LAPD issued Special Order No. 30, *Duty to Report Misconduct – Revised*, dated September 10, 2001. It, among other things, stipulates that employees “shall continue to report misconduct to a supervisor without delay” and added the provision allowing employees to report misconduct directly to the IAG. This special order also requires an investigating supervisor during the course of a complaint investigation to formulate additional allegations of misconduct if there is reason to believe additional misconduct occurred.

Consent Decree Compliance

As described above, early on during the term of the Decree, the LAPD coordinated the production of complaint material and informative posters and made information available to the public and community groups. On many occasions the Monitor conducted unannounced verifications of complaint materials at various locations, primarily Divisions, and noted that, for the most part, the LAPD was in compliance.⁵⁰

During the term of the Decree, the Monitor reviewed thousands of complaint investigations and not once did it identify any indications that officers asked or required a civilian in any way to execute documentation waiving or limiting their ability to file a complaint with the LAPD or any other entity, or file a lawsuit in court. Officers rightfully informed complainants that it was against the law to knowingly file a false complaint against an officer.

In the course of reviewing Ethics Enforcement Section (EES) audits of the complaint intake process, the Monitor noted instances in which complaints initiated by EES personnel were not always documented on a complaint intake form or, if documented, were not accurate, and the LAPD was held in non-compliance. In those instances where a complaint was not generated, the EES initiated a complaint against the involved officer(s). Similarly, for EES complaint intake

⁴⁹ Special Order No. 19, *Complaint Information Provided in Additional Languages*, dated July 20, 2001.

⁵⁰ In some instances complaint material or pre-addressed postage-paid envelopes were not available in the public area of the location assessed. Typically it was a matter of bringing the deficiency to the attention of the Watch Commander who either immediately corrected the deficiency with material on hand or submitted requests for the additional material.

audits wherein the information suggested that an officer was reluctant to take a complaint or used language suggesting an attempt to dissuade, either a complaint was generated against the officer, or the EES concluded another audit was warranted at some point in the near future. Other than those instances identified during the course of EES' work, as well as the Monitor's overall review of complaints (in which a relatively small number included allegations of failing to accept a complaint), the Monitor is confident that the Department is making every effort to accept all complaints and in virtually all instances is doing so.

During early 2003, at a point in time when the LAPD received an allegation that officers were not documenting all complaints received, the Chief of Police directed the EES to significantly increase the number and frequency of intake audits to substantiate or refute this allegation. Although subsequent assessments noted some instances in which officers did not document a complaint, the LAPD's overall performance improved, and ultimately the Monitor held the Department in substantial compliance.

One requirement that the Department struggled with until just recently was its 24-hour toll-free complaint hotline, which was established for the receipt of complaints. The hotline was staffed with sworn personnel to receive complaints during normal business hours, and the system would default to voicemail in the event the call could not be taken. In assessing this requirement, the Monitor often placed reliance on AD's systems audit of the complaint intake process. In these audits, AD often found that the hotline was adequately staffed, but AD identified instances in which complaint forms were not initiated.

During early 2005, the responsibilities of the hotline were transitioned from the PSB to the DCP. At that time, the DCP was not capable of automatically recording all incoming calls. More recently, AD personnel, in the course of conducting their audit, telephonically contacted the hotline, noting that approximately 17% of the time their calls went unanswered or the voicemail system failed to engage and record the call. Analysis of the system identified a card error that was corrected, and subsequent testing by CRID found that the system performed flawlessly.

In order to track civil lawsuits on or claims against the City alleging misconduct by an LAPD officer, the LAPD established an efficient liaison between the RMD and the City Attorney's office, who regularly reconciled the LAPD's Claims/Litigation Information System Report (CLIS) with the City's report. The Monitor found the LAPD fully in compliance with the related requirements on six separate occasions between the quarters ended June 30, 2002 and March 30, 2006.

During the same time period, on five separate occasions the Monitor assessed the Department's compliance with the requirement that officers notify the Department, without delay, any time an officer is arrested or criminally charged for any conduct, named as a party in any civil lawsuit involving their conduct while on duty, or named as a defendant in certain civil suits. The Monitor found the Department in compliance in all five assessments after reviewing complaint

investigations, comparing randomly selected officers with various court indices, and querying claims and lawsuits filed with the City.

In assessing whether officers reported certain types of alleged misconduct by other officers, the Monitor reviewed completed complaint and use of force investigations for indicators that officers knew or should have known, and therefore reported, such misconduct. The Monitor's review spanned the quarter ended June 30, 2003, through to the quarter ended March 31, 2006. Toward the beginning of this assessment period, the Monitor identified some investigations containing information or officer statements suggesting knowledge of misconduct not subsequently reported; however, overall, the Monitor concluded that the investigations were complete and did not contain indicators of officers not reporting misconduct.

4. Conduct of Investigations

During the course of its investigation of the LAPD, the DOJ found evidence of a pattern or practice of police misconduct and civil rights violations. DOJ allegations included the improper use of force and insufficient investigation into use of force incidents. The DOJ concluded that the LAPD's pattern or practice of police misconduct included, among other things, the unconstitutional use of force by LAPD officers. Also cited were "serious deficiencies" in training and supervision of officers.

The DOJ also noted that the LAPD failed to respond properly to citizen complaints of officer misconduct and conducted inadequate investigations of civilian complaints. As a result, officers were not deterred from engaging in misconduct. Similarly, poorly trained officers were not identified for retraining or counseling. These two factors, when combined, created an environment for misconduct to occur.

In reaching its conclusion, the DOJ reviewed LAPD policy statements, reports on OIS incidents in which nonlethal force was used, misconduct complaint files in which serious misconduct was alleged, information on civil suits filed against the LAPD and its officers, information on criminal charges filed against LAPD officers, information relating to police training, and reports and memoranda prepared by the LAPD, the Board of Police Commissioners and the OIG.

Consent Decree Solutions

This section of the Consent Decree mandated a number of procedural changes to the manner in which the LAPD was required to conduct investigations of alleged misconduct, NCUOF and CUOF. Consistent with many other paragraphs of the Consent Decree, the mandates served to supplement policy, procedures and practices of the LAPD that preexisted the Consent Decree period. These procedural changes were intended to improve the overall quality and integrity of all complaint and use of force investigations.

Specifically, the LAPD was required to review all complaint face sheets within 10 days of receipt to determine whether they require investigative assignment to the IAG or COC supervisors.⁵¹ For those investigations that included allegations requiring assignment to the IAG, and for all CUOF investigations, the assigned investigator(s) were required to ensure that:

- All interviews were tape recorded or videotaped;⁵²
- The scene was canvassed and that complainants and witnesses were interviewed at convenient locations and times that might include their residence or place of business;
- Group interviews were prohibited;
- Involved officers and their supervisors were notified;⁵³
- All supervisors were interviewed with respect to their conduct at the scene during the incident;
- All appropriate evidence was collected and preserved with the burden of collection on the LAPD; and
- All inconsistencies in officer and witness interview statements were identified and reported in writing.

For those complaint investigations assigned to the COC, i.e., any investigation not including allegations delineated by paragraphs 93 and 94 of the Consent Decree and for all NCUOF investigations, the LAPD was required to ensure that:

- group interviews were prohibited;
- all supervisors were interviewed with respect to their conduct at the scene during the incident; and

⁵¹ Paragraphs 93 and 94 of the Consent Decree define certain allegations that must be investigated by the LAPD's IAG. Please refer to the *Internal Affairs Group* section of this report for additional information on investigations requiring assignment to the IAG.

⁵² This is required of all complainants, involved officers and witnesses. For certain CUOF investigations LAPD investigators elected to document statements of "heard only" witnesses that in some instances were not recorded. The Monitor concluded this was not a compliance issue.

⁵³ This requirement applies only to complaint investigations for purposes of paragraph 80. If the complaint is deemed confidential under law, notification will not take place.

- all appropriate evidence was collected and preserved with the burden of collection on the LAPD.

Lastly, if at any time during the course of any investigation of alleged misconduct or use of force the investigating officer had reason to believe misconduct occurred other than that already alleged, the investigator was required to notify his or her respective supervisor and an additional complaint investigation of the additionally identified misconduct must occur.⁵⁴

Overall Achievements of the LAPD

The following policies relevant to complaint and use of force investigations were issued by the LAPD during the Decree's term in an effort to attain compliance with the investigative requirements for complaint investigations and use of force investigations:

- Human Resources Bureau Notice *Categorical and Non-Categorical Use of Force Classifications and Investigative Responsibility*, dated July 30, 2001;
- Administrative Order 12, *Investigating a Personnel Complaint and Evaluating Witness Credibility*, approved by the Police Commission on September 25, 2001;
- HRB Notice, "Administrative Investigation Training," approved by the Police Commission on October 9, 2001;
- Special Order No. 36, *Complaint Reporting Procedures – Revised*, approved by the Police Commission on November 13, 2002;
- Special Order No. 1, *Department Complaint Process – Revised*, dated January 1, 2003;
- *Categorical Use of Force Classifications and Investigative Responsibility*, July 30, 2001;
- Special Order No. 27, *Investigation of Non-Categorical Use of Force Incidents*, approved by the Police Commission on September 25, 2001;
- Special Order No. 18, *Revision to Special Order No. 27, 2001 – Investigating and Adjudicating Non-Categorical Use of Force Incidents*;
- Human Resources Bureau Notice, *Consent Decree Required Information on Non-Categorical Use of Force Investigations*, approved by the Police Commission on January 28, 2003;

⁵⁴ In most instances, this results in the formulation and addition of an allegation or allegations to the existing open complaint investigation.

- Human Resources Bureau Notice, *Non-Categorical Use of Force Reporting Where an Arrest Is Made*, published February 24, 2003; and
- Special Order No. 13, *Non-Categorical Use of Force Reporting – Revised*, dated May 26, 2004.

Despite the promulgation of these policies and procedures, as described below, there were some significant issues in the Department's road to compliance in this area of the Consent Decree. However, the Monitor found the Department in substantial compliance with Consent Decree requirements regarding NCUOF investigations at the end of the initial five-year term of the Decree. As described in more detail below, improvements in NCUOF investigations and the Department's ability to comply with the relevant requirements was due in large part to the Department's commitment to issuing and revising policy and the efforts of its Training Group.

In addition, the PSB continues to randomly audit complaint investigations conducted by IAG investigators in an effort to identify and address deficiencies, similar to the process used for CUOF Investigations, which has proven useful in improving the quality of those investigations.

In December 2008, the LAPD implemented a revised *Biased Policing Investigation Protocol*, which addressed concerns expressed by the Monitor and the DOJ with regard to interviewing all accused officers. The protocol requires investigators to gather and include all documents related to an incident, includes questions that should be asked of the complainant and officers, and requires any complaint that includes an allegation of biased policing to be reviewed by either the LAPD's Criminal Investigation Division or the PSB prior to distribution to the concerned CO. In addition, the PSB continues to randomly audit complaint investigations conducted by IAG investigators in an effort to identify and address deficiencies, similar to the process used for CUOF Investigations, which has proven useful in improving the quality of those investigations.

Consent Decree Compliance

Categorical Uses of Force

Although the Monitor noted some deficiencies in CUOF investigations during its initial review, which occurred during the third quarter of 2002, the Monitor concluded that the overall quality of investigations was sufficient. This trend carried through the Monitor's evaluation that occurred during the first quarter of 2003.

During a subsequent assessment in the third quarter of 2003, the Monitor noted deterioration in the quality of investigations. The Monitor identified instances in which the LAPD did not preserve evidence,⁵⁵ identify and report inconsistencies in statements, prohibit group interviews, or report possible misconduct uncovered during the course of the investigation. Indeed, the LAPD was in compliance with only one of the six subsections at the end of this reporting period. Our review of underlying supporting material identified considerable discrepancies when compared to the CIID report, a report ultimately furnished in substance to the Chief of Police and the Police Commission for review and consideration. As a result, the Monitor elected to expand its review of CUOFs during that same quarter and identified additional concerns after having reviewed only three additional investigations, two of which were ICD investigations. To the UOFRB's credit, it identified what appeared to be deficiencies in LAPD jail procedures and recommended a Board of Inquiry and an assessment of jail procedures. Although these requests dated back to mid-2001 and September 2002, neither was addressed until August 2003 following a verbal report by the Monitor to the parties.

Also of concern was the use of RHD detectives to conduct interviews of suspects and witnesses. The Monitor did not question the ability of these detectives to conduct thorough interviews but was concerned that their questioning might be skewed more toward determining whether or not the suspect committed the crime and not whether or not the officer(s) exhibited excessive or unnecessary force.

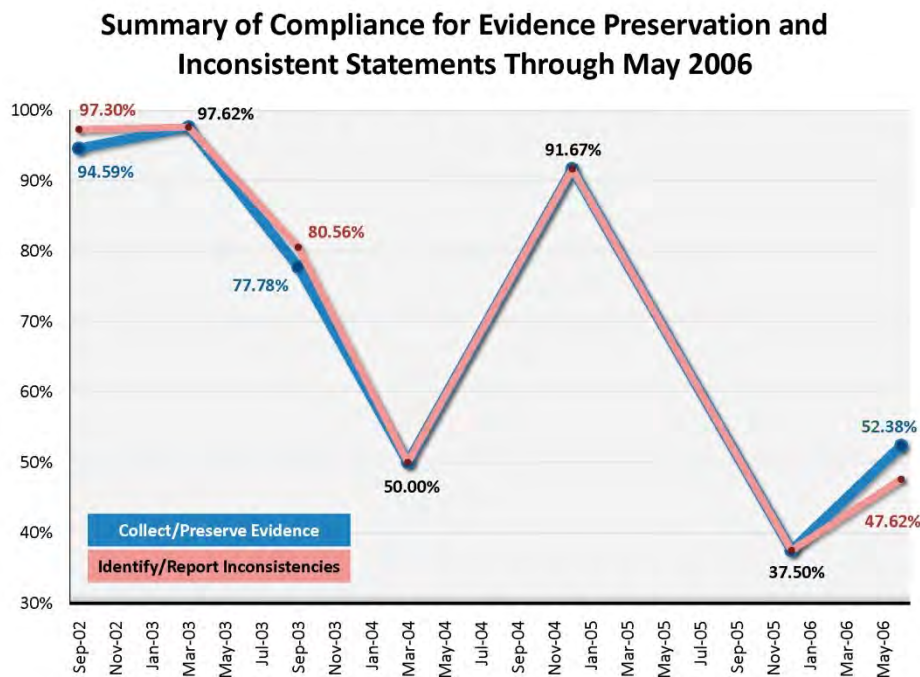
The Monitor again evaluated the merits of CUOF investigations during the quarter ended March 31, 2004, and determined that the deficiencies in CUOF investigations persisted. The Monitor continued to identify unrecorded witness interviews, insufficient documentation within investigation files, unidentified and unaddressed inconsistencies between witness and officer statements and uninitiated complaint investigations in connection with alleged misconduct identified during the course of the use of force investigation.

In response to the Monitor's findings, the PSB undertook an immediate independent review of the files and confirmed, in almost every respect, the Monitor's findings. This led to the reassignment of the CIID as a direct report to the Deputy Chief of the PSB. The Deputy Chief subsequently initiated a series of organizational and investigative changes to address the manner in which CUOF investigations were completed.

Another issue identified by the Monitor in the course of reviewing and assessing CUOF investigations involved two separate incidents in which a head strike with an impact weapon went unreported for a significant period of time. Both incidents were initially treated as NCUOFs, and the required protocol was not followed until they were upgraded to CUOFs.

⁵⁵ The Monitor identified and reviewed several eyewitness statements that were not transcribed and were not referenced in the CIID's report. This led to the discovery of multiple occasions in which the CIID failed to identify and report material inconsistent statements and preserve essential evidence.

Of the six requirements delineated in this paragraph of the Consent Decree,⁵⁶ the two that strike closest to the core of the integrity of the investigation involve the collection and preservation of evidence and the identification, reporting and addressing of inconsistent statements. The following chart summarizes the history of the Department's compliance with these two requirements:



In mid-2006, the Monitor noted another troubling pattern in the quality of CUOF investigations, this one concerning leading questions. The Monitor noted that FID investigators more frequently utilized leading questions during interviews, particularly officer interviews, which the Monitor noted detracts from the overall quality of the investigation. The OIG also identified the repeated use of leading questions during its independent reviews of CUOF investigations and reported such to the LAPD.

Throughout the duration of the Consent Decree, the Monitor expressed its concern over the use of the hobble restraint device during certain incidents in which the suspects either died or were hospitalized with serious injuries.⁵⁷ Although the LAPD had in place specific policy and

⁵⁶ Paragraph 80

⁵⁷ The Monitor's review of these incidents yielded no evidence to conclude failure to properly place the suspect in a sitting position contributed to their death or hospitalization.

procedure for dealing with suspects who are hobbled, officers in several incidents did not follow procedure. Of note, policy required that any suspect restrained with a hobble device must be immediately placed into an upright seated position as a preventative measure for asphyxia. This is particularly important if the suspect exhibits signs of being under the influence of an unknown substance. In most of the investigations, the line of questioning appropriately included querying the involved officers' knowledge of policy and procedure. However, although these incidents were reviewed by the UOFRB and the Chief of Police, contrary to Department policy, training was not required for any of the involved officers with regard to proper positioning. To the Department's credit, though, in December 2007 it issued an order requiring officers to immediately place a hobbled suspect either in a sitting position or in the left lateral position.

Up to June 2006, the Department experienced setbacks with regard to the quality of investigations and could not show consistent compliance. As a result, the Monitor continued its review of CUOF investigations during the Consent Decree extension period. It was around this June 2006 time period, and continuing for the duration of the extension period, that the Monitor noted a marked improvement in the overall quality of CUOF investigations. Although not perfect, the Monitor felt more comfortable in considering the merits of each individual CUOF investigation as a whole and whether individual items of non-compliance impacted⁵⁸ the investigation's overall quality and the ability of the reviewer to properly adjudicate officer actions. By the end of the second year of the extension, the Monitor concluded that, overall, the Department attained sustained substantial compliance with Decree requirements regarding the investigation of CUOF. The LAPD's CUOF investigations rightfully are now recognized as state-of-the-art best practices that are studied by other law enforcement agencies nationwide.

Non-Categorical Uses of Force

In connection with NCUOF, the Monitor, in its earlier reviews, was unable to easily determine whether or not witnesses were interviewed separately during early assessments of compliance. Although each interview was substantively reported separately, the date, time and location of interviews were not sufficiently documented. As such, the Monitor held the Department in non-compliance absent any additional information. Similarly with regard to evidence, both the Monitor and AD found the Department in non-compliance due to poor documentation procedures, particularly with regard to photographs of either the suspect or involved officers for evidence of injuries or lack thereof. Subsequently, the Monitor initiated a conversation with the CO of Risk Management, who advised the Monitor that the LAPD was aware of the deficiencies and was in the process of amending current policy to address them. The LAPD then developed and implemented Special Order No. 13, *Non-Categorical Use of Force Reporting – Revised*, dated May 26, 2004, which addressed the reporting and documentation issues.

⁵⁸ The Monitor excluded LAPD generated complaint alleging *Failure to Qualify*, *Failure to Appear* or a *Preventable Traffic Collision* from its calculation as these particular complaints are generated monthly.

During late 2003, the Monitor noticed improvements in the quality of NCUOF investigations in connection with documentation of collected evidence, time and place of the interview, and whether a group interview took place. The Monitor commended the LAPD for the marked improvement in the quality and consistency of NCUOF investigations. Much of the credit was attributable to the Department's commitment to issuing and revising policy and the Training Group's review of policy and procedures for completed NCUOF incident investigation.

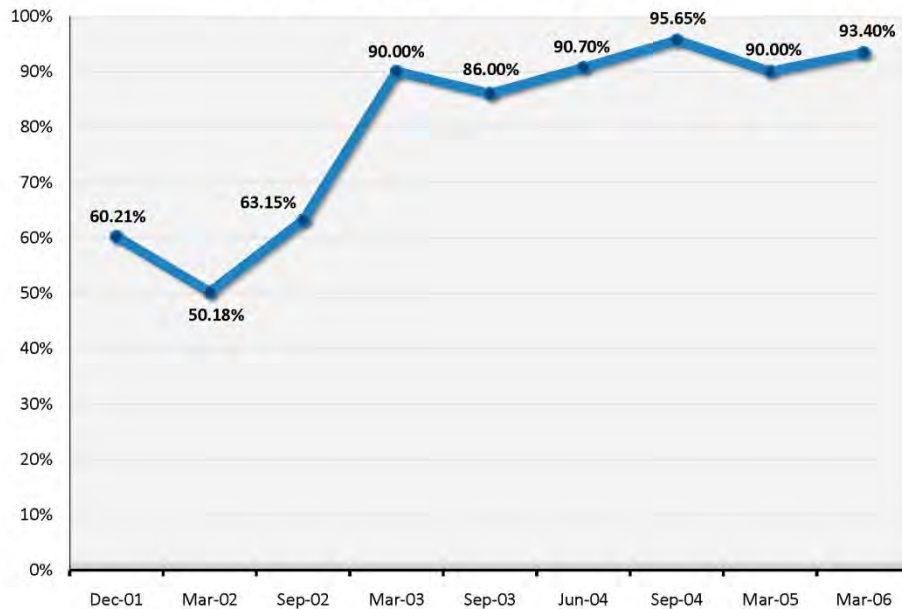
During mid-2005, the UOFRS and the Department's Training Division continued to track and review all completed NCUOF investigations in order to identify deficiencies in the investigations and any training issues. If an investigative deficiency or training need was identified, either UOFRS or the Training Division would contact the appropriate manager via correspondence requesting an explanation or clarification of the issue. At times an officer involved in an NCUOF would receive remedial training from the Training Division.

As a result of these efforts, the Monitor found the Department in substantial compliance with requirements regarding NCUOF investigations at the end of the initial five-year term of the Decree. The consistent quality of the investigations and related quality control review provided the Monitor with sufficient assurance that the LAPD would continue with best practices, and additional monitoring during the Decree extension was not required. Subsequent AD assessments for the most part validated continued adherence to these best practices..

IAG Complaint Investigations

Beginning with the quarter ended December 2001 and continuing through the quarter ended March 2006, the Monitor, through sampling, reviewed complaint intake face sheets for evidence that the face sheet was forwarded to the PSB for review and classification within the 10-day period mandated by the Decree. As illustrated in the following chart, initially, the LAPD's compliance rate was relatively low, but over the course of time, the Review and Analysis Unit managed to steadily improve the Department's compliance with this requirement. This was accomplished despite an increasing number of complaints and an increasing number of underlying allegations. As a result of these efforts, the Monitor concluded that the Department was in substantial compliance with the requirements related to the review and classification of complaint face sheets at the end of the original five-year term of the Consent Decree. The related paragraphs were no longer actively monitored during the extension.

Complaint Face Sheet Review



During the initial five-year term of the Consent Decree, the Department issued a number of directives providing guidance to officers and supervisors with regard to complaint investigations. Many of these practices were entrenched in LAPD complaint investigations prior to the Consent Decree, and the Department was largely faced with fine-tuning the requirements and improving overall quality.

Three requirements proved to be the most difficult for the Department and, therefore, were actively monitored during the Consent Decree extension: tape-recording interviews of the complainants, witnesses or officers; collecting and preserving evidence; and identifying and reporting inconsistencies in witness and officer statements. Despite hiring freezes and an increasing caseload, the IAG's investigators stepped up to the challenge, completing quality complaint investigations. Equally important, the Monitor witnessed steadily increasing improvement in the quality of manager review and related documentation, with some investigations returned to address open items.

During the quarters ended June 30, 2008 and December 31, 2008, at the request of and subsequent to an initial review conducted by the DOJ, the Monitor also reviewed complaint investigations that included an allegation of racial profiling. During its first review, the Monitor identified significant deficiencies in approximately 25% of the completed investigations, calling into question the appropriateness of the review process and the ultimate adjudications. The Monitor also noted disparities in the review and documentation of officer work history.

During its most recent review in December 2008, although significant issues were identified in approximately 10% of the complaint investigations, the Monitor noticed a marked improvement

in the quality of the investigations and rationale for the adjudications. The Monitor notes that the LAPD's implementation of a revised *Biased Policing Investigation Protocol* addressed many of the concerns expressed by the Monitor and the DOJ with regard to interviewing all accused officers.

Based on its reviews and as a result of the various steps taken by the Department, the Monitor concluded that the LAPD achieved and sustained compliance with these three remaining requirements during the extension period.

Chain of Command Complaint Investigations

In early 2003, the Monitor began its review of COC complaint investigations completed after commencement of the Consent Decree and attempted to determine whether one could reasonably conclude that interviews were conducted separately, evidence was collected and preserved, and the area had been canvassed for witnesses. More often than not, the investigations were not sufficiently or consistently documented with regards to the collection and preservation of evidence. As time progressed, the Department improved the quality of COC investigations, largely through the supervisory review process in which deficiencies were identified and returned to the investigator for correction. By the second quarter of 2006, the Monitor noticed a sustained significant improvement in the quality of COC investigations, particularly with regard to the collection and preservation of evidence. This improvement continued through June 2008, when the Monitor determined that, despite a few discrepancies, the Department had achieved substantial compliance with the requirement regarding COC investigations. The related paragraphs were placed on inactive monitoring status.

On eight separate occasions during the term of the Consent Decree and its extension, the Monitor evaluated the LAPD's compliance with requirements related to the identification of any potential misconduct for additional investigation. In some instances, the Monitor placed reliance on AD's audits. In seven of the eight reviews, the Monitor concluded that the LAPD was in compliance with these requirements. During the three-year extension period, the Monitor communicated to the LAPD all instances it identified in which there was evidence of additional misconduct on the part of an officer yet no indication that additional allegations were formulated to address the additional misconduct identified. The Monitor concluded that these instances identified during the extension period did not impact the Department's substantial compliance with the pertinent requirements.

Recommendations

In order to maintain and improve the quality of complaint and use of force investigations going forward, the Monitor recommends the following:

- The LAPD should continue to train all investigators assigned to either the FID or IAG, with such training to include many of the requirements of the Consent Decree. Although sometimes time-consuming, the Decree requirements are crucial to ensuring the overall quality of investigations. Training must emphasize the use of open-ended questions with all interviewees. For interviews of officers, investigators must strive to learn the intricacies of policy and be willing to question officers regarding their knowledge.
- The LAPD should continue to train all officers and supervisors on the definition of a CUOF and what is required of officers should a CUOF incident occur.
- The LAPD should continue to train officers and supervisors on the Hobble Restraint device and the proper treatment of individuals on whom the device is administered, particularly if they have exhibited signs of being under the influence of a substance. All officers need to understand the importance of immediately placing any hobbled individual in either the sitting or left lateral position in an effort to prevent asphyxia.
- The LAPD should regularly revisit LAPD jail procedures, particularly those identified as deficient by the UOFRB in connection with certain ICDs to ensure continued best practices when dealing with detainees with health and substance abuse issues. In sum, the Monitor believes that there has been measurable and sustained improvement in this area. The keys to success have been training and improved oversight. Those will be the keys to institutionalizing the gains made so far.

5. Adjudicating Investigations

In line with its findings of inadequate investigations, the DOJ also concluded that poor information led to inadequate and problematic adjudication of civilian complaints. The LAPD's history includes a series of problematic events followed by insufficient investigations and a perception that the public was failed at the adjudication and discipline cycle of events. In reaching its conclusion, the DOJ reviewed LAPD policy statements, discipline reports and misconduct complaint files in which misconduct was alleged.

Consent Decree Solutions

In an effort to address the deficiencies identified by the DOJ in the adjudication of civilian complaints, the parties agreed to a number of procedural changes to the manner in which the LAPD must adjudicate investigations of alleged misconduct. Consistent with many other paragraphs of the Consent Decree, the agreed-upon changes served to supplement existing LAPD policy, procedures and practices. These procedural changes were intended to improve the overall quality and integrity of all complaint investigations.

Upon receipt of a completed complaint investigation, the LAPD was required to review the complainant's and accused officer's statements using standard California jury instructions. Additionally, all complaints were to be adjudicated using a preponderance of the evidence standard, and no complaint investigation could be closed without a final adjudication.⁵⁹ For complaints that were withdrawn, filed anonymously, filed by a person other than the victim of misconduct or if the complainant was unavailable to make a statement, the LAPD was required to make reasonable efforts to complete the investigation.

Taking into consideration variables that include an investigation's complexity, the availability of evidence and witnesses, and other extenuating circumstances, the LAPD was required to complete at least 51% of all complaint investigations within 150 days of the complaint initiation date.

Overall Achievements of the LAPD

In its initial efforts to attain compliance with the investigative requirements regarding complaint investigations, the LAPD issued Administrative Order 12, "Investigating a Personnel Complaint and Evaluating Witness Credibility," on September 6, 2001. This order reiterated certain information already documented in pre-Consent Decree LAPD manuals to better align LAPD policy with Consent Decree requirements. The LAPD continued its efforts towards compliance by issuing additional policy during the first few years of the Decree, including Special Order No. 1 dated January 1, 2003, "Department Complaint Process – Revised." Special Order No. 1 was designed to, among other things, "hasten resolution of minor complaints, hasten responses to complainants, and appropriately and better utilize existing police resources."⁶⁰

At the onset of the Consent Decree, the LAPD faced a considerable backlog of complaint investigations not yet entered into its Complaint Management System. By mid-2002, the LAPD made significant progress in reducing this backlog, recognizing that timely entry into the system was the first step toward timely completion of the investigations.

Toward the end of 2004, the LAPD proposed the use of Settlement Agreements wherein the Department and the involved officer negotiate acceptable terms and the officer agrees not to dispute certain allegations. In return, the officer, or a representative, negotiates a mutually acceptable discipline. The Monitor reviewed certain Settlement Agreements, noting that the discipline, in virtually all instances, was reasonable.

⁵⁹ Acceptable adjudications are *Sustained, Sustained-No Penalty, Not Resolved, Unfounded, Exonerated, Duplicate, No Department Employee, Insufficient Evidence to Adjudicate, No Misconduct* and *Withdrawn by the Chief of Police*.

⁶⁰ Other policies issued included Special Order No. 36, November 13, 2001; Chief of Staff Notice, May 9, 2002; Adjudicator's Confidential Work Sheet; and LAPD's Management Guide to Discipline, January 2002.

Consent Decree Compliance

During 2002, the Monitor commenced selecting samples of complaint investigations for review that included assessing the LAPD's application of witness credibility, preponderance of the evidence and the final adjudication requirements. The Monitor's evaluations during the initial five-year period found that in some complaint investigations, undue preference was given to the officer against whom the complaint was alleged, and proper consideration was not given toward the civilians' or officers' histories, respectively. As such, the Department was held largely in non-compliance, and the Monitor continued to assess compliance with these requirements during the three-year extension period.

Over this same evaluation period, despite the findings of undue preference, the Monitor found that the LAPD, for the most part, adjudicated complaint investigations using the preponderance of the evidence standard and concluded that the LAPD was in compliance with the requirement to use one of the required resolutions. However, the LAPD did not demonstrate sustained compliance during the last two years of the initial term of the Decree, and the Monitor also continued to assess compliance with this requirement during the extension period.⁶¹ This was largely the result of the use of an adjudication category denoted as *Other Judicial Review (OJR)* as reported by the Monitor during the quarter ended September 30, 2005. At that time, *OJR* was one of the agreed-upon adjudications, and it was utilized when a matter was heard in a judicial setting, during which time the underlying allegations of the complaint were ostensibly addressed. The Monitor noted that in several investigations selected for review that were adjudicated *OJR*, the LAPD did not follow its own internal policy, as the investigative files were devoid of documentation that the complainant, the complainant's attorney or the prosecuting attorney were interviewed or approached for interview. Most of the investigations reviewed also had no evidentiary hearing or any other documented review of the facts alleged in the complaint. Lastly, the complaint files were devoid of any specific court transcripts or dockets that would support whether the matter was truly addressed at any judicial proceeding.

The Monitor expressed concern that the *OJR* adjudication was a mechanism that permitted the LAPD to quickly render a decision on a complaint investigation in an effort to meet compliance requirements of the Consent Decree. In response, the LAPD issued Special Order No. 34, *Other Judicial Review as an Adjudication – Revised*, dated November 1, 2007, which rescinded the use of *OJR* as an adjudication.

Throughout the initial five-year term of the Decree, the Monitor reviewed samples of complaint investigations, some of which were initiated anonymously or by third parties. For virtually all reviewed complaints that were anonymous or filed by a third party, the Monitor concluded the Department made a good faith effort to identify the complainant and complete a thorough

⁶¹ In assessing the Department's compliance with the undue preference and preponderance of the evidence requirements of the Consent Decree, the Monitor, at times, placed reliance on the AD's *Complaint Form 1.28 Investigations Audit*.

investigation. As a result, the Monitor concluded that the Department was in substantial compliance with the pertinent Consent Decree requirements, and assessment during the extension period for this particular requirement were placed on inactive status.

Beginning in the quarter ending March 31, 2003, and continuing through to the quarter ending March 31, 2006, the Monitor assessed the LAPD's compliance with requirements regarding the timely completion of complaints on five separate occasions. In assessing compliance, the Monitor analyzed reports generated by the LAPD that identified start and end dates for complaint investigations. The Monitor also completed analyses of completion rates separately for IAG-completed investigations versus COC-completed investigations. With the exception of one quarter, more often than not the LAPD completed complaint investigations within the 150-day mandated period. Understandably, IAG investigations are more complex, comprising multiple allegations lodged against multiple individuals, and require more time to collect the necessary evidence for adjudication and discipline. Additionally, IAG investigations require additional administrative mandates, such as tape-recording, not required of COC investigations. As such, the Monitor sought to determine that investigations, in aggregate, more often than not were completed within 150 days. In applying this methodology, the Monitor found the Department in substantial compliance at the end of the initial five-year period. The following chart summarizes the Department's compliance:



Recommendations

The LAPD should remain committed to adequately staffing and training IAG in order to ensure the continued timely completion of complaint investigations. Supervisors must understand it is their duty to investigate and report the facts of each allegation of misconduct without bias. Equally important, reviewers of complaint investigations must take into consideration all facts and continue to reach fair conclusions that in many instances may result in an adjudication of “Not Resolved,” meaning a conclusion cannot be reached whether the officer committed the alleged misconduct.

6. Disciplinary and Non-Disciplinary Action

The Christopher Commission found that “the Police Commission receives summaries – prepared by the Department – of disciplinary actions against sworn officers and civilian employees involving charges of improper tactics, excessive force, discourtesy, or other significant misconduct carrying a suspension of five days or more. The Police Commission itself cannot impose discipline on sworn officers. By law, discipline of sworn officers is reserved exclusively for the Chief (subject to Board of Rights procedures and other limits on his discretion). Accordingly, the summaries received by the Police Commission are advisory only.”

The Christopher Commission further reported that, “moreover, the summaries themselves do not encourage involvement by the Police Commission in discipline issues. They consist of a single, brief paragraph on each incident, describing the incident superficially and without any background detail. The incidents are not sorted by type, officer, or division, making it difficult for the Police Commission to spot trends or problem areas. The Police Commission does not have adequate time or resources to analyze the summaries and look for patterns.” The report also indicated that “the Police Commission only receives the summaries about once a month, and they are not current. This system of reporting makes it impossible for the Police Commission to monitor systematically the discipline imposed by the Chief in use of force and other cases...But if the Police Commission cannot monitor disciplinary decisions, then it has no effective way to ensure that its policies are followed.”

The DOJ’s investigation concluded that “LAPD supervisors fail to supervise adequately LAPD officers carrying out their routine policing responsibilities,” and supervisors do not “to the extent necessary, direct, evaluate and monitor officer performance in the field.” The DOJ also found that the supervisory failures of the LAPD created an environment where officers could engage in misconduct without detection.

Consent Decree Solutions

Under the Consent Decree, once a complaint investigation was completed, a manager was responsible for reviewing and evaluating its quality and completeness. This review included identifying underlying deficiencies and training needs. After the review and evaluation, the manager was responsible for implementing appropriate non-disciplinary action or making a recommendation to the proper LAPD entity to implement such action.⁶²

After a complaint investigation was reviewed and open items or concerns resolved, the LAPD was required to inform the complainant in writing of its resolution, including the investigation’s significant dates, general allegations and disposition.

The Consent Decree also required the Chief of Police to report to the Police Commission on the imposition of discipline during the previous calendar quarter no later than 45 days from the end of each quarter; a copy of the report was to be forwarded to the IG. The IG was required to review, analyze and report to the Police Commission on each Quarterly Discipline Report (QDR). The Police Commission must review the QDR with the Chief of Police and make an assessment of the appropriateness of the Chief of Police’s actions, specifically with respect to CUOF.

⁶² LAPD Manual Section 3/830.20 and the LAPD’s “Department Guide to Discipline”

Overall Achievements of the LAPD

Prior to the Consent Decree, the LAPD had established a practice of having managers review complaint investigations for quality and completeness and to identify training needs. Sworn personnel at the rank of Sergeant I, Detective II or above received training that included complaint review, documentation of review and documenting disciplinary or non-disciplinary action. It was also the LAPD's policy to provide the complainant with a written notice of an investigation's resolution.⁶³ Subsequent to the Consent Decree, sworn personnel at the rank of Sergeant I, Detective II or above received training that included complaint review, documentation of review and documenting disciplinary or non-disciplinary action.

Despite having policy in place, the LAPD struggled to comply with the requirements of this section. During the summer of 2003, in an effort comply with the requirements and to address poor performance, particularly with regard to the complainant notification requirements, the LAPD implemented a policy change directed at the complaint review process. The policy change, among other things, required that a communication be forwarded to the complainant if a complaint remained open after a period of five months. Soon after the implementation of this policy change, the Monitor noticed a marked improvement in the accuracy and quality of the LAPD's communications with complainants. In the summer of 2003, the Department also implemented a requirement that complainants be notified if their complaint had not been completed within a five-month period.

Although the Consent Decree did not require that QDRs be made public, the LAPD opted to make them public documents. The Monitor commended the LAPD for this decision. The LAPD developed a revised QDR, which was generated for the first quarter of 2002, to correct deficiencies that were identified in prior reports by the IG. The Monitor viewed the revisions and additions made by the LAPD as a significant improvement over the previous report. At the end of 2002, the Department made critical modifications to its discipline report database that facilitated the inclusion of narrative summaries in the QDRs. This directly addressed early concerns expressed by the Monitor regarding the timeliness of the information presented in the QDRs and the lack of detail presented.

Consent Decree Compliance

Managerial Review and Evaluation

In order to assess the above requirements, the Monitor requested listings of completed complaint investigations and selected random samples to review. Where possible, the Monitor also placed reliance on the AD's *Complaint Form 1.28 Investigations Audit*. Over the course of

⁶³ LAPD Manual 3/820/11 and the Chief of Staff Notice "Referencing the Investigation Date for Complaint Investigations," dated May 9, 2002

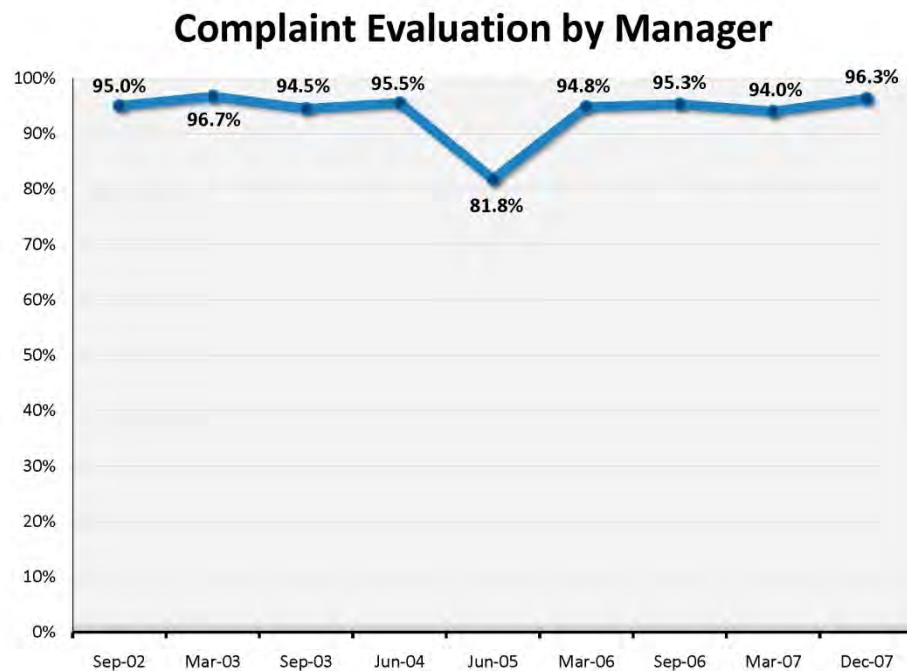
the initial five-year term, the Monitor reviewed thousands of complaint investigations and the related manager reviews and letters to complainants. For the most part, manager reviews were sufficient and contained requisite rationale on the officer's actions, with consistent and appropriate recommendations for either disciplinary or non-disciplinary action.⁶⁴ This trend generally continued throughout both the initial and extension periods of the Decree.

In all but one quarter, the Monitor determined that the LAPD was in compliance with requirements regarding manager reviews of complaint investigations.

Although the Monitor concluded that the LAPD was in substantial compliance with these requirements at the end of the initial term of the Decree, during its reviews, the Monitor did note several investigations in which the manager either did not identify an incomplete investigation or did not properly document and address a pattern of behavior of misconduct. In some instances, the manager withdrew the investigation based on his or her own interpretation of the facts and knowledge of the officers against whom the complaint was alleged. This prompted the Monitor to extend its assessment of manager review into the extension period.

By the end of 2007, the Monitor concluded that the LAPD attained substantial compliance with requirements regarding manager review of complaints. The related paragraphs were no longer actively monitored during the remainder of the extension. The following graph summarizes the Department's compliance for the periods assessed:

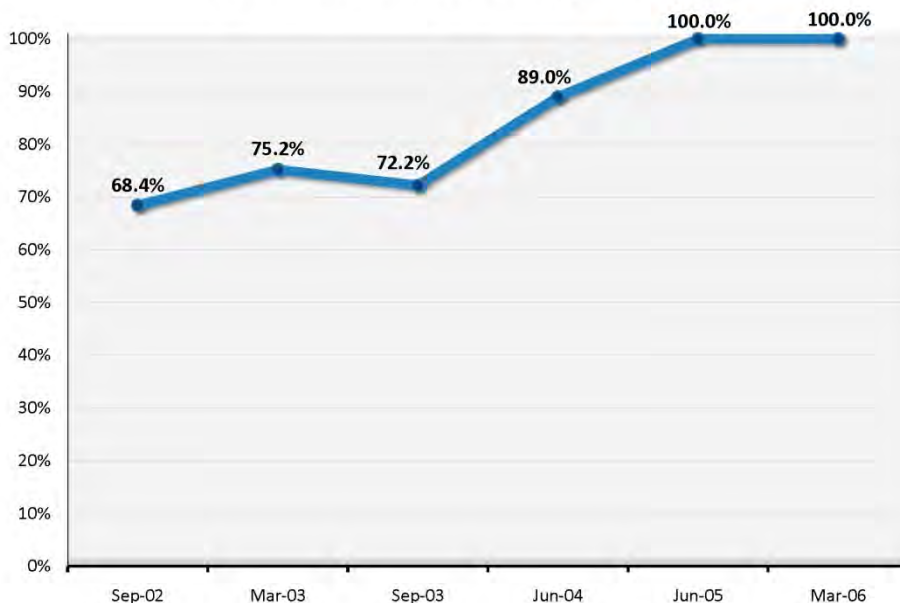
⁶⁴ In most instances, non-disciplinary action consists of recommending training, whether divisional or formal, for the accused officers. Disciplinary action ranged from an Official Reprimand to a termination based on the seriousness of the offense and the officer's work and disciplinary history.



With regard to notification to the complainant once an investigation was completed, in early assessments, the Monitor determined that the policy was not necessarily followed. The Monitor noted that although the communications were sent to the complainant, the communications either did not document all required dates or did not adequately document the general allegations of the complaint.

The implementation of the policy change described above resulted in significant improvements in the LAPD's communications with complainants, and the Monitor found that the LAPD achieved substantial compliance during the last two years of the initial five-year term of the Decree. The following graph summarizes the Department's compliance for the periods assessed:

Notification to Complainant



Chief of Police and Police Commission Reviews

Early during the term of the Decree, the Monitor expressed concerns about the timeliness of information presented in the QDRs. The Department continued to report discipline imposed after the case was closed, rather than the quarter in which discipline was imposed, as required. The Department expressed that due to the limitations of the previous complaint tracking system, the timeliness of data entered for use in the QDR did not allow for such reporting. However, the Department represented that the planned CMS would further enhance the timeliness of information included in the QDR.

At the end of 2003, in an effort to enhance the timeliness of QDR information, the Department began closing complaint cases prior to submission to the OIG for review. The IG supported this modification since complaint cases were being selected for review by the OIG on a sample basis, and the IG has the ability to request the Department to reopen a case if, in the IG's opinion, it was appropriate to do so.

The Monitor found that the Department's QDR for the third quarter of 2003 contained inconsistent information and was not timely approved by the Commission. Lastly, the QDRs for the third and fourth quarters of 2004 and 2005 were submitted in a timely manner, provided appropriate statistical data to reflect the outcome of the discipline imposed during the respective quarters and were presented in an adequate format.

During its initial reviews, the Monitor found that the Commission's written assessments of the discipline imposed by the Chief of Police mentioned CUOF cases but made no specific mention of their assessment of the discipline imposed. The IG's reviews of the QDRs for the third and fourth quarters of both 2004 and 2005 were timely, and the Police Commission received and approved the IG's review within the 75-day requirement included in a modification to the Decree.⁶⁵

In sum, prior to the extension of the Decree, the Monitor concluded that the Department achieved substantial compliance with all requirements of this section of the Decree. Except as noted above with respect to requirements regarding manager reviews of complaint investigations, the Monitor did not assess compliance with these requirements during the extension period.

Recommendations

The LAPD should continue its efforts to notify complainants after the initial five-month period of the status of their complaint investigation, whether completed or still in process. This provision allows the complainant, as well as the community, to know that the Department is sensitive to allegations of misconduct lodged by the public.

The Monitor recommends that managers continue to receive training on the review of complaint investigations, with emphasis on rationale and the interpretation and evaluation of witness credibility. Managers must continue to approach and review every investigation completely and impartially, no matter how familiar the facts. Regarding training, managers should look more closely at providing officers with informal divisional or directed training in order to provide them with the skills necessary to performing their duties.

7. Internal Affairs Group

In its *May 2000 Letter Report* to the City of Los Angeles, the DOJ concluded that within the LAPD there were "[s]erious deficiencies in City and LAPD policies and procedures for training, supervising and investigating and disciplining police officers," and these deficiencies "perpetuate and foster officer misconduct." Also of concern for the DOJ was the LAPD's failure to utilize "meaningful personnel evaluations."

⁶⁵ In the first quarter of 2005, the Consent Decree was modified by the Court after agreement by all parties to change the length of time that the Police Commission has to review the Chief of Police's Discipline Report provided by the OIG from 45 to 75 days.

On a daily basis, the LAPD is in receipt of or is otherwise aware of potential misconduct by officers, and it had in place a set of policies and procedures to address misconduct. The Monitor's interpretation of the DOJ's letter is not that there was not a system in place to investigate officers, particularly for alleged serious misconduct, but, rather, that the system in place was not effective.

Consent Decree Solutions

Prior to the Consent Decree, the IAG historically was tasked with investigating the more egregious allegations of misconduct. The Consent Decree set out to specifically identify those allegations of misconduct that were to be investigated solely by the IAG.⁶⁶ Similarly, recognizing the sensitivity of certain allegations involving officer credibility, the Consent Decree mandated IAG investigation of the following:

- A civilian charged with interfering with a police officer, resisting arrest or disorderly conduct and either the prosecutor or the judge dismisses the charge(s) based on officer credibility;
- Instances in which evidence was suppressed because of a constitutional violation involving potential officer misconduct;
- Instances in which an officer was arrested or charged with a crime other than a low-grade misdemeanor; or
- Initiation of a misconduct investigation by a judge or prosecutor during the course of an official proceeding.

Complaint investigations involving serious misconduct understandably require substantial resources and, in many instances, a great deal of time. While in a perfect world any applicant to the IAG would have prior investigative experience, the reality is that this is not always the case. To meet the anticipated increase in IAG responsibilities under the Decree, the LAPD was required to dedicate the necessary resources to IAG. Parallel to this, the LAPD was also required to screen IAG applicants and, when filling positions, take into consideration prior investigative experience and, equally important, the applicant's work history.⁶⁷

⁶⁶ Paragraph 93 of the Consent Decree requires IAG investigation for any of the following allegations whether in a complaint, civil suit or claim for damages: unauthorized uses of force, invidious discrimination, unlawful search, unlawful seizure, dishonesty, improper behavior involving narcotics or drugs, sexual misconduct, theft or retaliation/retribution against an officer or civilian.

⁶⁷ Officers applying for IAG positions with a sustained investigation or discipline for the use of excessive force, a false arrest or charge, or an improper search or seizure, sexual harassment, discrimination or dishonesty are disqualified unless the IAG CO justifies their hiring in writing.

Once selected and retained by the IAG, an investigator's initial term of duty was limited to three years. Reappointment was allowed only after sufficient review and documentation attesting to the investigator's competency. An investigator could be removed from their tour of duty at any point in time for acts or behavior that might have disqualified them for selection in the first instance. Investigator evaluations, assessing their competency in following policies and procedures, were to occur regularly with periodic retraining and reevaluation.

Lastly, given that the nature of complaint investigations assigned to IAG, investigators might very likely identify facts indicating criminal conduct. It was required that whenever such facts or indicators were identified, the LAPD was obligated to refer the matter to the appropriate criminal prosecutorial authority for consideration.

Overall Achievements of the LAPD

Just prior to and during the first 18 months of the Consent Decree, the LAPD implemented a number of policies, either in the form of Special Orders, Directives or other communications, to address the structure and staffing of its existing IAG.⁶⁸ In April 2001, to address misconduct allegations that arise or occur during court proceedings or involving serious criminal allegations against an officer, the LAPD issued a number of Department-wide directives defining IAG investigative responsibilities. In March 2002, the LAPD issued its transition plan that, among other things, established the IAG's investigative responsibilities to align with the requirements of the Consent Decree.⁶⁹ From April 2002 through December 2002 the LAPD orderly transferred investigative authority, pursuant to the Consent Decree, to the IAG.

Beginning with the quarter ending December 31, 2003, the Department was able to significantly reduce accumulated complaint investigations, largely through its commitment to exempt the IAG from a transfer freeze that was in place. The LAPD also continued its pre-Consent Decree practice of allowing a temporary tour of duty for supervisors to cycle through the IAG. This served many purposes, first and foremost of which was to provide the IAG with additional manpower to address accumulated complaint investigations. It also allowed the IAG a narrow time period to identify strong candidates for a permanent transfer to the IAG. These moves helped the Department overcome difficulties it had been having in complying with Decree requirements related to IAG staffing.

The LAPD required all commands, on a weekly basis, to produce a listing of all pending complaints not yet completed nearing the one-year statute deadline. This exercise, which was

⁶⁸ These Special Orders and Directives are referenced in the Use of Force and Conduct of Investigations sections of this report.

⁶⁹ On September 27, 2002, the LAPD issued a revised Transition Plan to address transition of claims for damages and theft and dishonesty complaints.

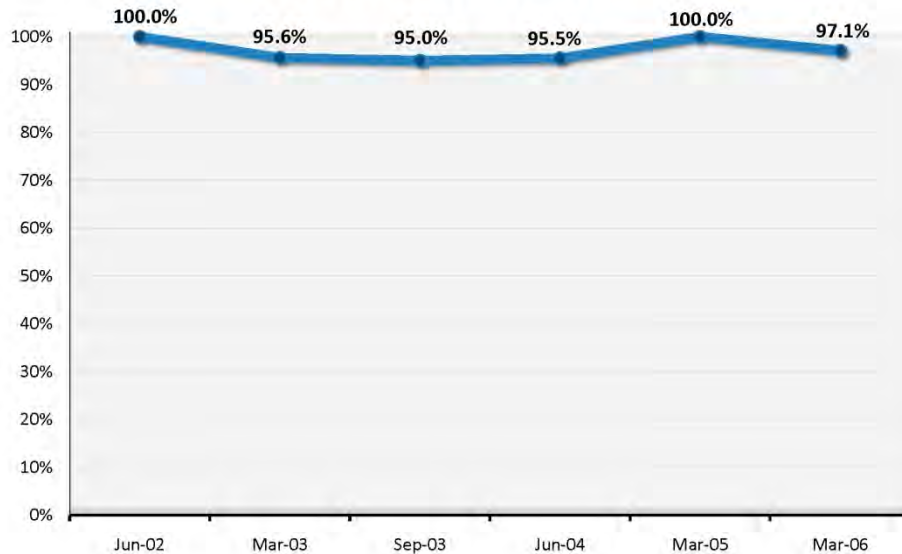
designed to reduce the number of matters submitted past statute, enabled the Department to achieve compliance with Decree requirements governing criminal referrals of misconduct to prosecutorial authorities.

Consent Decree Compliance

Commencing during the quarter ending March 31, 2003, and continuing through the quarter ending June 30, 2006, the Monitor reviewed samples of complaint intake documentation on five separate occasions and determined that the LAPD was in compliance with regard to appropriately assigning investigative responsibility either to the IAG or COC.⁷⁰ At the end of the initial five-year period of the Decree, the Monitor concluded that the LAPD was in sustained substantial compliance with this requirement, and the requirements were not actively monitored during the extension. The following graph summarizes the history of compliance for the assignment of investigations to the IAG:

⁷⁰ Occasionally, while assessing other complaint investigation Consent Decree paragraphs, the Monitor happened upon investigations that should have been assigned to the IAG and were improperly assigned to COC. Such instances were brought to the attention of the LAPD.

Assignment of Complaint Investigations to the IAG



Although the LAPD fastidiously defined the IAG's investigative authority, it initially struggled to adequately staff the IAG. Through reviews of staffing documentation, personnel transfer orders and interviews of personnel, the Monitor reported staffing was in direct contravention of Consent Decree requirements. Additional assessments of staffing and complaint investigation backlog yielded predominantly non-compliance ratings through the Monitor's assessment in the quarter ended December 31, 2003. It was during this quarter the Monitor noted a material reduction in accumulated investigations, which was, as mentioned above, largely attributable to the LAPD's commitment to exempt the IAG from the transfer freeze.

Starting with its evaluation in the quarter ended December 2004 and continuing through a final evaluation in March 2006, the Monitor held the Department in compliance with regard to adequate IAG staffing. As described above, the Department's achievement of substantial compliance was, in large part, attributable to its continuation of a temporary tour of duty for supervisors to cycle through the IAG and commitment to training.

Again, starting with the quarter ending June 30, 2002, and continuing through the quarter ending March 31, 2006, the Monitor assessed the LAPD's compliance with requirements for establishing a term of duty in conformity with the requirements of paragraph 99. At the onset of the monitoring period, the LAPD implemented policy requiring an IAG investigator wishing to extent their tour of duty as an investigator to complete a Notification/Request form six months prior to the expiration of their term. In all five assessments, the Monitor noted that for those investigators whose terms exceeded three years, the LAPD maintained documentation of a complete review of the investigator's proficiency and for the entire period assessed, none of the

officers had a complaint history containing disqualifying behavior. As such, the Monitor concluded the LAPD was in substantial compliance, and the requirements were not actively monitored during the extension.

Prior to the Consent Decree, the LAPD's practice was to evaluate supervisors assigned to the IAG. During the assessment period, although the LAPD's goal was to annually evaluate IAG supervisors, during an earlier assessment period the Monitor noted that although the evaluation was documented, it was late. However, during the remainder of the initial five-year assessment period, the Monitor noted evaluations were completed timely and thoroughly for most investigators. Based on these findings, the Monitor deemed the LAPD in substantial compliance and elected not to actively monitor compliance with this requirement during the extension.⁷¹

As of the implementation of the Consent Decree, the Los Angeles DAO established a documented protocol for referral of alleged criminal misconduct by law enforcement personnel.⁷² During the quarter ended March 31, 2003, and continuing through the quarter ended September 30, 2005, the Monitor assessed the LAPD's compliance with regard to criminal referrals of officer misconduct on three separate occasions and found the LAPD in compliance each time.

Shortly after its initial assessment, allegations surfaced that the LAPD had a history of referring matters for prosecutorial consideration after the statute of limitations expired. Members of the Monitoring team met with PSB representatives and quickly ascertained that the allegations related pre-Consent Decree cases. Furthermore, as mentioned above, the LAPD's move to require all commands, on a weekly basis, to produce a listing of all pending complaints not yet completed nearing the one-year statute deadline was a significant factor in achieving compliance. The purpose of this exercise was to reduce the number of matters submitted past statute. For all three assessments, in the rare instances when the Monitor noted matters were referred past statute, information provided by the prosecutorial authority confirmed the matter was refused, not because of late filing, but rather because there was insufficient evidence. All in all, the Monitor concluded the Department was in substantial compliance with regard to criminal referrals of misconduct to prosecutorial authorities.

⁷¹ The Monitor also reviewed listings of training sessions attended by investigators for reasonableness and listings of training topics covered that, in the Monitor's opinion, were relevant.

⁷² *Protocol for the Referral of Allegations of Criminal Misconduct by Law Enforcement Personnel to the Los Angeles County District Attorney*

Recommendations

The importance of thorough complaint investigations, particularly of those complaints involving serious allegations, cannot be overemphasized. Such investigations provide the reviewer(s) the necessary information to make important judgment calls that, in some instances, lead to more difficult disciplinary decisions. The LAPD must continue its commitment to adequately staff the IAG and train and mentor its investigators. In many respects the adequacy of complaint investigations, the foundation of which is the investigator's competency, is the catalyst of public trust and the deterrent of unacceptable behavior.

8. Non-Discrimination Policy and Motor Vehicle and Pedestrian Stops

One of the major findings of the Christopher Commission was that "the problem of excessive force is aggravated by racism and bias within the LAPD." In the background section of its report, the Commission noted that in August 1965, the Governor's Commission on the Los Angeles Riots said in its report that there is "a deep and longstanding schism between a substantial portion of the Negro community and the Police Department" and recommended that the LAPD hire more minority officers. The Commission also noted the Blake Consent Decree of 1981, in which the LAPD agreed to settle discrimination suits by setting hiring goals for women, African-Americans and Latinos. In its review of patrol car transmissions, the Commission found a significant number of offensive remarks based on the race, gender and sexual orientation of both suspects and fellow officers. Additionally, the Commission found that female officers were having a difficult time being accepted on a full and equal basis. In its interviews, the Commission heard complaints of how African-Americans and Latinos were placed in the "prone-out" position "under circumstances that did not present any risk or harm to the officers and that did not involve a felony warrant." It recounted complaints of being "stopped in parts of the City where they might be considered out of place" and noted "the frequency and manner of use of police dogs in minority neighborhoods." The Christopher Commission made seven recommendations in this area, including that the Chief of Police should seek tangible ways to "establish the principle that racism and ethnic and gender bias will not be tolerated within the Department" and that the LAPD had to "establish a program of cultural awareness training to eliminate stereotypes for all officers."

The *March 2000 BOI Report* noted that "Rampart Area's demographics played a significant role in this corruption incident," as Rampart is "densely populated with predominantly Spanish-speaking people who have immigrated to the United States from Central American countries." It continued that many are "undocumented aliens who fear they will be deported by the police."

Consent Decree Solutions

The Consent Decree required the LAPD to “continue to prohibit discriminatory conduct on the basis of race, color, ethnicity, national origin, gender, sexual orientation, or disability in the conduct of law enforcement activities.” It also required the Department to “continue to require that, to the extent required by federal and state law, all stops and detentions, and activities following stops or detentions, by the LAPD...be made on the basis of legitimate, articulable reasons consistent with the standards of reasonable suspicion or probable cause.” The Consent Decree further mandated that “LAPD officers may not use race, color, ethnicity, or national origin (to any extent or degree) in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or group,” and they “may not give race, color, ethnicity or national origin undue weight.”

The Decree also mandated that the Department require LAPD officers to complete a written or electronic report each time an officer conducts a motor vehicle or pedestrian stop by November 1, 2001. The data collected was required to include information such as the officer’s serial number; driver’s apparent race, ethnicity, or national origin; driver’s gender and apparent age; reason for the stop; and whether the driver was required to exit the vehicle. This information was also required to be collected if a warrantless search was conducted.

Overall Achievements of the LAPD

While the Department has fallen short of substantial compliance with the Consent Decree requirements in this area, this is clearly not reflective of a lack of effort on the part of the City or the Department. The major problem in determining compliance has rested with the difficulty, despite best efforts, in determining whether biased policing is occurring and, if so, to what extent, if any, it is systemic as opposed to isolated misconduct.

As described below, great strides have, in fact, been made by the City and Department to address biased policing during the eight years under the Decree. Training has been tremendously enhanced, and new rules have been promulgated relating to the investigation of biased policing complaints. In addition, the City and Department have committed to the installation of video cameras in patrol vehicles. It should be noted that there are significant indications that biased policing that may have been occurring at the inception of the Consent Decree has been significantly reduced. Specifically, opinions of minority communities about the LAPD have steadily improved under the Consent Decree.⁷³ Likewise, the minority composition of the Department has steadily increased.⁷⁴ Because substantial compliance was not achieved during the Consent Decree, biased policing is addressed in the Transition Agreement.

⁷³ See *Harvard Kennedy School Report*.

⁷⁴ *Ibid.*

Consent Decree Compliance

The Department issued Special Order No. 23 in August 2001, which prohibits all forms of invidious discrimination. Training on field data collection began in October 2001, and the LAPD began collecting motor vehicle and pedestrian stop (MV&PS) data in November 2001, on FDRs. At first, there was a significant backlog of FDRs that had not been entered into the system. The Department released six months of field data to the public. This data was collected from July 1, 2002, to December 31, 2002, on its website, the first such data to be posted.

On its own initiative, the Department committed resources to the development of a Portable Officer Data Device System (PODDS) in the hopes of streamlining the reporting process required by the Decree. The LAPD began using the PODDS device to collect stop data in May 2004.

The Department released a Request for Proposal (RFP) for analysis of the stop data collected from the field by officers completing FDRs⁷⁵ on May 14, 2003, with a response date of no later than July 15, 2003.

Training on the new FDR, implemented July 1, 2003, incorporated a significant non-discrimination component. This served to further the Department's commitment to prevent discriminatory practices. The Department incorporated interactive problem-solving training exercises in both CEDP Module VI, "Weapons of Mass Destruction," and Tools for Tolerance II trainings. This thoroughly addressed issues involving discrimination, with a particular emphasis on race. The Module VI training demonstrated to the Monitor that the LAPD is capable of creating and properly executing training that effectively instructs officers about biased policing and the Department's commitment to prevent such practices.

In July 2003, the LAPD redesigned its FDR form to correct design flaws and issued Special Order No. 29, *Data Collection for Motor Vehicle and Pedestrian Stops*. The LAPD began Department-wide training on the new form, as well as training on the Department's non-discrimination policy and the Fourth and Fourteenth Amendments to the U.S. Constitution. All of these were in secondary compliance with the requirements of these paragraphs.

AD completed its first *Motor Vehicle and Pedestrian Stop Data Collection Audit* in August 2003.⁷⁶

⁷⁵ The Department is required to collect specific field data for specified discretionary stops according to paragraphs 104 and 105 of the Consent Decree.

⁷⁶ AD also conducted *Motor Vehicle and Pedestrian Stop Audits* and follow-up reviews in 2004, 2005, 2006 and 2007. AD did not conduct a Motor Vehicle and Pedestrian Stop Audit during Fiscal Year 2007-08 due to the City's request and does not plan on conducting one until the fourth quarter of Fiscal Year 2008-09. A more detailed discussion of AD's work on this audit can be found in the audit section of this report under Paragraph 128(4).

The City, working through the Analysis Group, Inc.⁷⁷ prepared and released the “Final Pedestrian and Motor Vehicle Stop Data Analyses Methodology Report,” dated December 8, 2005. In developing the methodologies contained in the report, the City reviewed the “Proposed Pedestrian and Motor Vehicle Stop Data Analyses Methodology Report,” dated January 19, 2005. Public comments were solicited on that report, and responses to the public comments received. The City also posted the Report on its website.⁷⁸

The Analysis Group, Inc. prepared and released the “Pedestrian and Motor Vehicle Post-Stop Data Analysis Report” on July 7, 2006. The report was also posted on its website.⁷⁹ The report analyzed the LAPD’s stop data collected from July 1, 2003, through June 30, 2004. The analysis performed indicated that while controlling for characteristics of the stop generally reduces the racial disparity in post-stop outcomes, significant disparities remain. Specifically, unexplained racial differences occurred most frequently for non-gang officer requests to exit the vehicle, pat-downs/frisks, and higher discretion searches. The report suggested that variables not considered by the study could possibly account for such differences. Still the report ultimately did not fully explain the disparity of the raw numbers or determine to what extent, if any, LAPD police officers were engaging in racial profiling.

On October 20, 2008, the ACLU of Southern California released a report prepared by Professor Ian Ayres of Yale University titled “A Study of Racially Disparate Outcomes in the Los Angeles Police Department.” The report consisted of an analysis of the same data that was analyzed by the Analysis Group in 2006. The study found substantial racial disparities in post-stop action. Based on the report, the ACLU made the following recommendations:

- The Department should continue to collect data on stops through TEAMS II. In addition, the Department should make better use of the data to identify officers or units with significant racial disparities by analyzing the data on at least an annual basis.
- The Department must further reform the racial profiling complaint process.
- IG should be given powers and resources to review the complaint investigations in real time.
- The Department should adopt additional anti-bias training focused on helping officers identify and eliminate even latent bias in policing decisions.

⁷⁷ The Analysis Group, Inc. was the vendor selected by the Department to develop a methodology to analyze the field data in order to determine if the disparity can be explained and, if so, what those explanations are.

⁷⁸ The Report can be viewed at www.lacity.org/lapdstops.

⁷⁹ The Report can be viewed at www.lapdonline.org/consent_decree/content_basic_view/32822.

- The Department should reduce the disparate impact of consensual searches by requiring officers to inform subjects who they request to search that they have the right to refuse the search.

The Police Commission dedicated a large part of its August 19, 2008 meeting to the topic of racial profiling. Presentations were made by the PSB command staff, the Police Commission Executive Director and an expert on racial profiling. The Commission concluded that disparate treatment exists among different racial and ethnic groups nationwide for both stops and after-stop actions. The Commission noted that law enforcement agencies across the country reported no sustained profiling complaints, primarily because they are virtually impossible to prove. However, the Commission agreed that it would be incorrect to believe that racial profiling is not occurring. Based on that conclusion, the Commission approved the following recommendations:

- The Department must provide a quarterly report to the Commission on the number of complaints of racial profiling received and adjudicated by Bureau and Area.
- The IG must prepare an audit of racial profiling complaints that have been investigated and adjudicated since training has been provided to all Internal Affairs (IA) investigators. This training dealt with utilization of the Racial Profiling Investigation Protocol and Racial Profiling Investigation Check List.
- The Department must include a review of the Digital In-Car Video System (DICVS), if available, in the Racial Profiling Investigation Protocol and Racial Profiling Investigation Check List.
- The Department must revise the Alternative Complaint Resolution (ACR) process to allow some complaints of racial profiling to be resolved through mediation.
- The Department must change the term from “Racial Profiling” to “Biased Policing,” The concern was to be more inclusive of other biases, including religion and sexual orientation. Also, the Department must refine complaints of Discourtesy to the specific nature of the misconduct alleged.

As requested by the Police Commission, the LAPD responded to the ACLU’s report at the Commission’s meeting of January 13, 2009. The Department reiterated its commitment to eliminating biased policing by outlining the steps it has taken in this area:

- Focusing recruiting efforts on all areas of the City in order to reflect the diversity of the City.
- Exploring bias in hiring caused by questions in the polygraph portion of background checks.
- Integrating the topic into more than 200 courses for both Recruit and In-Service Training.
- Promoting minorities to command-level positions as more are hired.

- Recording stops through the use of in-car video.

Additionally, IAG updated the *Biased Policing Investigative Protocols*, and the Police Commission approved them at its meeting of December 9, 2008. The protocols, which took effect on January 1, 2009, require officers to articulate their complete reasons for conducting traffic and pedestrian stops. Under the IAG's November 2007 protocols, racial profiling cases were not allowed to be approved for closeout unless the protocols were followed. Additionally, the IAG implemented the following strategies:

- Amended the Complaint Investigation Checklist to include fields that query whether the protocols were followed and whether the Racial Profiling Checklist was included.
- Conducted four Internal Investigations courses that include a four-hour block of instruction on investigating racial profiling allegations.
- Designated an auditor to coordinate review of racial profiling cases to ensure consistency and adherence to the protocols. This individual also compiles information in an ad hoc database to further evaluate racial profiling investigations.
- Conducted occasional undercover surveillance to probe specific allegations of racial profiling.

At the end of March 2009, in an effort to achieve compliance with the data collection requirements of the Consent Decree, the Department developed and implemented Citywide an automated reporting system at the Area level. This system incorporates the collection of stop data as approved by DOJ and provides for its storage in TEAMS II. This system was devised as a result of the Department's inability to analyze and draw conclusions from the aggregate data and the significant expense of replacing the data collection devices, or PODDS. Data collection capability had diminished due to the degradation of the existing hardware at the time, although the Department continued to collect stop data.

Additionally, the City and Department have continued to move toward Department-wide implementation of cameras in cars (DICVS), which the Monitor has strongly endorsed and recommended as a best practice in monitoring potential bias in stops. The DICVS will help protect against biased policing while enhancing officer safety and risk management analysis, and mitigating liability claims. The first phase of the project will deploy cameras in South Bureau patrol vehicles by late summer 2009. All of the hardware and servers are installed in City Hall East and the Southeast, Southwest and 77th Area stations. Cameras have been installed in all patrol cars for Southeast, Southwest, 77th and Harbor Areas. The field testing of cameras by LAPD for functionality began in March 2009. Upon completion of the field tests and verification that the system is operating correctly, Southeast Area will be the first to have complete installation, followed by Southwest, 77th and Harbor Areas shortly thereafter. The Department plans on taking the following steps once the DICVS is in operation:

- Conduct regular audits of the audio and video, in addition to periodic inspections by supervisors.
- Bookmark and review the DICVS data from any incident involving vehicle pursuits, uses of force, incidents resulting in personnel complaints or other significant events.
- Review DICVS data relative to lawsuits or claims for damages.
- Conduct quality of service audits.
- Use DICVS data to identify and/or monitor at-risk officers who are subject to the Risk Management Executive Committee's oversight.
- Afford the OIG unfettered access to the DICVS data.

As mentioned above, the Department has not achieved substantial compliance with the requirements of this section of the Consent Decree, which are included in paragraphs 102-105. As noted in the Reports for the quarters ending September 30 and December 31, 2008, the Monitor is confident that the steps envisioned by the City to enhance the process and provide alternatives to the current method of data collection will, when fully implemented, sufficiently satisfy the requirements of the Consent Decree.

Recommendations

The Monitor commends the City and the LAPD for the significant steps they have taken and the accomplishment they have achieved in their efforts to comply with the Consent Decree requirements regarding biased policing. With new policies and procedures in place, and the continued oversight role of AD, the Police Commission and the OIG to ensure that the policies and procedures are followed, deficiencies corrected and recommendations implemented, the Monitor is confident that the Department is on track to comply with these requirements. In addition to the Police Commission requirements noted above, the Monitor offers the following recommendations regarding biased policing:

- The LAPD has plans to equip all patrol cars with in-car video cameras. This initiative is critical and will protect against biased policing while enhancing officer safety and risk management analysis, and mitigating liability claims.
- The Police Commission and/or OIG should conduct a periodic evaluation to assess the effectiveness of the biased policing investigative protocols in order to enhance public confidence in investigations of biased policing complaints.
- The Police Commission should continue to direct the LAPD to provide quarterly updates on efforts to address biased policing.

C. Management of Gang Units

The Consent Decree reforms in connection with the management of gang units grew out of the Rampart corruption scandal. The LAPD's internal probe into the administrative and operational failures that came to light during the internal investigation into wide-ranging misconduct identified the lack of supervisory oversight of the CRASH units as a significant problem within the Department.

The *March 2000 BOI Report* identified the need for the Department to focus on monitoring and reducing gang activity and establishing a closer working relationship between detectives and gang officers in order to develop a truly investigative gang operation with adequate responses to gang activity. The findings also stressed that a Department-wide audit of gang units should continue, but needed to be more comprehensive in terms of the depth of both subject matter and sampling. Specifically it was recommended that each gang unit's work product be audited to determine responsiveness to gang problems and supervisory practices including the span of control between gang supervisors and officers.

Consent Decree Solutions

Regarding the management of gang units, the Consent Decree required that each gang unit was to be assigned to an Area or bureau, and managed and controlled by the Area or bureau command staff. The Citywide and Bureau Gang Coordinators (BGCs) were to direct the Bureau-wide and Citywide activities of these units, provide training and technical assistance, and help coordinate and provide information for the audits of these units.

The Consent Decree also established eligibility criteria for the selection of non-supervisory and supervisory officers in these units, and mandated that non-supervisory and supervisory officers were not to be reassigned to a unit until 13 LAPD Deployment Periods had lapsed since their previous gang assignment as an officer or supervisor. In addition, supervisors were required to document in writing their consideration of any sustained complaint, adverse judicial finding, discipline for use of excessive force, false arrest or charge, improper search and seizure, sexual harassment, discrimination and/or dishonesty in determining selection of an officer in these units. The procedures for the selection of all officers to the gang units was to include a formal, written application process, oral interview(s), and the use of TEAMS II and annual performance evaluations to assist in evaluating the application.

The Consent Decree also addressed tour limitations for gang personnel. Both supervisors and officers in the gang units were required to have limited tour assignments not to exceed 39 LAPD Deployment Periods. An extension of such assignment for up to three LAPD Deployment Periods was allowed with written approval of the bureau CO, and any longer extension required written approval by the Chief of Police.

Unit supervisors and non-supervisory officers in a gang assignment were to be subject to existing procedures regarding detention, transportation, arrest, processing and booking of arrestees. In addition, a variety of reforms which had been initiated after the *March 2000 BOI Report* were to continue. These included: the wearing of Class A or C uniforms; the use of marked police vehicles for all activities; the requirement to check out and return all field equipment from the Area kit room on a daily basis; the requirement to attend scheduled patrol roll calls; and the requirement to base unit activities out of Area stations and the prohibition against holding arrestees or interview witnesses at off-site locations.

Additionally, gang unit supervisors were required to perform specific daily activities, including providing a daily field presence and maintaining an active role in unit operations. Supervisors were also required to brief the Area watch commander regularly regarding the activities of their units and coordinate unit activities with other Area supervisors. Area managers were required to ensure that supervisors exercise proper control over these units and provide oversight over planned tactical operations.

Lastly, BGCs were required to monitor and assess the operation of all units that address gang activity in their respective bureaus. They were required to inspect and audit at least one Area unit per month and submit audits to bureau, Area, OHB and Detective Support Division (DSD) COs and to the LAPD's AD.

Overall Achievements of the LAPD

The Department has made substantial strides toward a better trained and supervised gang unit and toward compliance. However, the Department has not met the >94% level of compliance for many aspects of the gang unit mandates, and more work needs to be done.

Over the course of the original term of the Consent Decree and its extension, the Department successfully put into place various policies and procedures that established best police practices for the management of gang units, many of which were initiated prior to the formal implementation of the Consent Decree. Those requirements which were met during the initial term included Citywide and Bureau-wide gang unit coordination, some of the minimum selection criteria requirements for gang officers and supervisors, uniform and vehicle requirements, Area kit room procedures, attendance of patrol roll call, keeping base activities in Area stations and not holding arrestees at off-site locations at night.

In addition, during the initial term of the Decree, the Department met challenges which arose. Before the Consent Decree became operative, the review of the Rampart scandal caused the LAPD to reorganize the units that police gang-related crime. These new gang units, called Special Enforcement Units (SEUs), reported to command staff in their respective stations and were supported by the DSD. The Department also established new monitoring procedures and requirements of selection of gang personnel, as well as tour limitations and operational procedures, as required by the Consent Decree.

As a result of the new unit being staffed entirely in March 2000, the Consent Decree's mandate of term limits for these officers became problematic with most personnel scheduled for cycling out during the summer of 2003. Based on the Monitor's recommendation, the LAPD devised a strategy of staggering its deployment periods and prepared an SEU Transition Plan, dated August 16, 2002, which was approved by the Police Commission.

The Department established two additional significant policies related to gang units during the course of the Consent Decree. First, Special Order No. 27, *Selection and Assignment to Gang Enforcement Details*, dated July 10, 2003, established procedures for selection and assignment to a gang unit and tour limitations, per the Consent Decree. Second, Special Order No. 7, *Gang Impact Teams-Established*, dated February 25, 2004, sought to facilitate the development of long-term gang and narcotics enforcement units with increased supervisory oversight and accountability. The units, called Gang Impact Teams (GIT), included GEDs, formerly known as SEUs.

Training for these gang units was also a significant part of the progress made by the Department over the course of the Consent Decree. The Monitor found that the training sessions which had been developed addressed both the Consent Decree requirements related to the gang units and best police practices, and were well-organized, useful and well-executed by the trainers and command staff.

During the term of the Decree, the Department also made significant strides in its management of the gang units. The Department utilized COMPSTAT to hold supervisors accountable for the deficiencies found in BGC Inspections, AD's audits and reviews conducted by the OIG. During these COMPSTAT sessions, supervisors are asked to describe actions they are taking to correct identified deficiencies and to report, at the following meeting, the results from those actions taken. In addition, in their audits and reviews of gang-related activities, AD and the OIG have worked with command staff to remedy deficiencies identified.

Consent Decree Compliance

Early on, the Department struggled significantly with the selection process requirements of the Consent Decree.⁸⁰ Improvements were seen in some area with the Department's establishment of Special Order No. 27 in July 2003, which outlined the specific criteria required for the selection process. This policy provided the Department with specific guidelines that helped the Department achieve compliance with the requirements regarding minimum selection criteria for

⁸⁰ Some of the Monitor's early findings included selection packages not being completed, selection packages not including the required forms (i.e., TEAMS record, PER or oral interview), lack of documentation (i.e., written consideration of complaint history, approval signatures or oral interview notes) and a general lack of standardization and uniformity regarding selection procedures.

gang officers and supervisors. However, the Monitor and AD found that the Department continued to struggle with other selection requirements.⁸¹

By the inception of the extension in 2006, the Department had achieved substantial compliance with several additional selection requirements, including minimum criteria and written consideration of any complaint or adverse judicial finding for use of excessive force, a false arrest or charge, an unreasonable search or seizure, sexual harassment, discrimination or dishonesty, during the gang officer's assignment in the unit. During the extension period, the Department achieved substantial compliance with several other requirements, including the mandate that eligibility for selection into the gang unit include a position evaluation of the officer's TEAMS record and written consideration of sustained complaint, adverse judicial findings for the high risk areas, as mentioned above. As of the end of the Consent Decree extension period, the Department has not yet achieved compliance with the selection requirements regarding prompt review of any transferred officer's TEAMS I record;⁸² and the implementation of a formal, written application process, oral interview(s) and the use of TEAMS II and annual performance evaluations to assist in evaluating the application.⁸³ AD continues to find these same concerns in its annual GED Selection Criteria Audit; the Monitor hopes that AD's findings can guide the Department into achieving these best police practices in the near future.

⁸¹ At the end of 2004, the Monitor began reviewing and placing reliance on AD's *Gang Selection Criteria Audit*, the first of which was issued in June 2004. This first audit found, as the Monitor did, that the minimum selection criteria for officers and supervisors were being achieved, but the Department was not yet in compliance with the other selection requirements.

⁸² The Consent Decree required a prompt review of a transferred officer's TEAMS I record under one paragraph, but required the review of a transferred officer's TEAMS II record after inception of the TEAMS II risk management system. Therefore, the Monitor reviewed the TEAMS I record requirement initially and then reviewed and reported on the TEAMS II record requirement under that appropriate paragraph after the inception of TEAMS II. Please see the TEAMS II section for further discussion of the progress of this requirement.

⁸³ In its audit of this area of the Decree, AD found compliance with some of the selection procedures, including documentation regarding contacting UOFRD and inclusion of TEAMS II records and transfer applications. However, AD had concerns with some requirements concerning the formal, written application process, oral interview(s), and the use of TEAMS II and annual performance evaluations considered and documented in their selection packages as required. Issues included lack of written application, lack of current TEAMS II records, lack of performance evaluations, CO approval after selection or lack of approval, no documentation of oral interview, lack of evidence that the UOFRD was contacted and selections approved prior to the oral interview taking place. The Monitor concurred with AD's assessment.

Regarding limited tours in gang units, the Consent Decree mandates that officers cannot exceed 39 DPs, except by written approval from the Chief of Police for any longer period.⁸⁴ The Department did not achieve compliance with these requirements during the original term or the extension period. The Monitor found that there were gang officers who exceeded their time limit of 39 DPs in these units and did not have either proper extensions or transfers as required.⁸⁵ While the Department has struggled with some of these requirements, the Monitor has not identified any individual in recent years who was selected for a gang assignment but should not have been selected.

During the entire term of the Consent Decree, the Department's gang units have struggled to comply with the Consent Decree's more technical requirements regarding arrest, booking and charging procedures. For the first three years, the Monitor's reviews concluded that the Department lacked arrest documentation and supervisory approval, and the Monitor identified discrepancies among supervisory logs and arrest and detention documentation. In 2004, the Monitor began reviewing and placing reliance on AD's *ABC Reports Audits*, which had findings similar to the Monitor's. Prior to and through the first two years of the extension, the Department did not achieve substantial compliance with the requirements regarding gang unit arrest, booking and charging procedures, nor did they achieve compliance with these requirements in the first two years of the extension. During the last assessment of these requirements, the Monitor reviewed and placed reliance on AD's *September 2008 ABC Reports Audit*, in which AD found overall compliance with all requirements except post-incident review. Although the Monitor continued to have concerns regarding supervisory oversight of arrest procedures due to the Department's continued non-compliance with the supervisory oversight objective, the Monitor commended the Department for achieving much higher compliance ratings over the years and concluded that the LAPD is in overall compliance with the arrest, booking and charging requirements in this final assessment.

⁸⁴ In order to clarify this requirement, the parties agreed that reassignment of an additional 26 DPs was appropriate if the officers met the same eligibility criteria required for initial assignment into the unit and the reevaluation process must include review of the officers' most current TEAMS and performance evaluation reports.

⁸⁵ Specific findings were related to lack of approval signatures, missing deadlines and lack of proper documentation (i.e., TEAMS II records and PERs) or appropriate reevaluation. AD's June 2004 *Gang Selection Criteria Audit* identified these same issues, as did subsequent audits. However, AD often reported overall compliance with the tour limitations requirement when the Monitor concluded non-compliance, primarily because AD reported issues regarding appropriate or timely TEAMS II records and PERs under "other related matters." The Monitor has always disagreed with this approach and encourages AD to test entire policies and report accordingly. With the one non-compliant instance related to the supervisor's signature prior to the TEAMS report, and four non-compliant instances related to current TEAMS II or performance evaluation records, the Monitor calculated a compliance rate of 87.2% (34 of 39).

Regarding requirements for uniforms, vehicles, Area kit room, roll call, Area station-based activities and interview locations, the Department quickly achieved compliance with all of these requirements except for Area kit room procedures. Although the Department had early issues with the Area kit room logs, including documentation and inconsistencies, it achieved substantial compliance with these requirements by June 2004 and has remained in substantial compliance with these and all other aforementioned requirements, and compliance with these requirements was not reviewed during the extension period.

In the early years of the Decree, specific issues identified by the Monitor included inadequate chain of command supervision and control; lack of adequate in-the-field supervision; inconsistent and inadequate record keeping in connection with required information, such as officers' daily reports indicating specific activities and supervisor signatures indicating oversight; and inadequate periodic audits of gang units' work product. AD also cited a lack of supervisory oversight of GED warrants and arrests as early as June and October 2004, respectively.

In October 2006, the Monitor began utilizing a new methodology agreed upon by the parties to review gang supervisory oversight. The Monitor began measuring gang supervision by reviewing daily supervisors' logs, audits completed by AD⁸⁶ and GED Supervisory Oversight Inspections conducted by CRID, rather than by reviewing gang supervisory logs alone. Prior to the extension, the Department did not achieve substantial compliance with the Consent Decree requirements regarding daily field presence, maintaining an active role, supervisors exercising proper control and oversight over planned tactical operations of the gang units, nor did they achieve compliance with these supervisory oversight requirements during the extension period.

During the extension period, the Department continued to fall short of complying with supervisory oversight requirements based on reviews conducted under the new methodology. AD's *ABC*, *NCUOF*, *SW*, and *GED Work Product Assessment Summaries* in 2005, 2006 and 2007 identified various oversight issues related to post-incident reviews, proper documentation and other inconsistencies with supervision.⁸⁷ The *GED Work Product Assessment Summary* in 2005 also identified various issues in regards to supervisory oversight. In 2007, the Monitor found that supervisory approval of daily logs was not present and supervisors' daily field presence was either not properly documented and/or included inaccuracies between the available field time and what was reflected in the supervisors' log narrative.

Although the Department had early struggles complying with requirements regarding the Citywide and Bureau-wide coordination of activities, training, technical assistance and audits of

⁸⁶ These particular audits reviewed include *ABC Audits*, *NCUOF Audits*, *Search Warrant Audits*, *Confidential Informant Audits* and *GED Work Product Assessment Summaries*.

⁸⁷ The Monitor also reviewed the *GED Work Product Assessment Summary Audits*, for 2006 and 2005, AD reviewed its own audit reports and *Command Accountability and Performance Audits (CAPAs)* audits and identified numerous issues in regards to supervisory oversight.

gang units, it achieved compliance with these requirements prior to the end of the Consent Decree. However, the Department has consistently struggled with the requirements regarding the BGCs' monitoring and assessing the operations of all units that address gang activity. In the early years of the Decree, not all BGCs were conducting inspections of the Areas for the monthly audits, and those BGCs that were conducting inspections were not aware of the methodologies employed in the audits. The Monitor conducted a review of the BGC audits from all four bureaus for April and May 2002 (eight audits total) found a lack of uniformity in establishing a standards.

After this, steps were taken to improve the gang units' audit function. BGCs outlined the procedures to be used for the bureau gang audits, with AD assisting in the development of audit plans and methodologies, DSD reviewing completed audits and providing feedback and BGCs following up with Area COs regarding problems identified in monthly gang audits. However, the Monitor found that some bureaus did not use the audit matrices, while others used these matrices ineffectually. Although the LAPD continued to improve the quality of these inspections, the Monitor reported in 2005 that there were still deficiencies regarding the sampling and methodology, which the Department acknowledged, and the Monitor recommended that Special Operations Support Division confer with AD prior to each BGC inspection.

Since the Department did not achieve compliance with requirements regarding BGC inspections enduring the initial term of the Consent Decree, the Monitor continued to assess BGC inspections during the extension period. At the end of January 2008, the Department revised the BGC inspection process to review and train the BGCs to address deficiencies. In June 2008, Gang and Operations Support Division (GOSD) had been working directly with the Department Gang Coordinator (DGC), CRID and AD in connection with monthly inspection topics, training, sampling, methodology and inspection matrices for future inspections. GOSD had also developed its own inspection team, the Inspection Coordination and Assessment Unit (ICAU); after the BGC inspection team completes its inspection, ICAU conducts its own review of this sample to ensure the BGC inspection team is completing the inspection correctly. ICAU then follows up with the command staff and the BGC inspectors to discuss any deficiencies found.

By the end of the extension period, although the Monitor indicated that this new process was well-structured, the execution of the process was not yet adequate, as the Monitor continued to identify inconsistencies regarding the execution of the methodology, the answering of matrix questions, reporting and findings. The Monitor has reviewed the work product of the new GOSD staff and ICAU inspection team, including their methodology, instructions and follow-up documentation, as well as CRID's oversight in this process, and is pleased with the improvements that are being made.

Overall, the Monitor concluded that the Department has put into place policy and training that complies with the Consent Decree provisions related to gang units, and the implementation of such procedures has improved over the course of the Decree. While there are deficient areas

left, the Monitor is confident that the Department can remedy these deficiencies in the future with the assistance and oversight of AD and the OIG through among other things, their continuing quality audits and reviews.

Recommendations

The Monitor offers the following recommendations regarding the management of the gang units and supervisory oversight:

- Going forward, the selection process of gang unit members should adhere to the requirements set out in the Consent Decree, which the Monitor believes are best practices. This includes a formal, written application process and oral interview(s), and consideration of TEAMS II and annual performance evaluations. The Department should continue to guard against insularity of the gang units by reasonably limiting tours for gang unit personnel. Any reappointment to the gang unit must be carefully evaluated and should include a review of all available information regarding the history of the officer.
- The Monitor encourages the Department to continue its focus on achieving appropriate and consistent supervisory oversight in the gang units. This includes supervisory oversight of arrest reports, search warrants, uses of force, CIs, daily operations, field presence and tactical plans, and the utilization of the TEAMS II early warning system. The Monitor also recommends that AD and the OIG continue to closely audit, review and monitor gang supervision, as they currently do in their CAPA and Consent Decree-related audits, and to assist the Department in resolving issues identified. The Monitor recommends that AD's audits closely consider what is risk assessment-based when testing to the related Department policy, as some policies not previously tested are essential to the accountability and oversight aspects of the operations of the Department.⁸⁸
- The Monitor recommends that the Department continue to use BGC Inspections, as well as the CAPAs, in COMPSTAT meetings in order to hold supervisors and command staff accountable for deficiencies identified and to require follow-up in the form of remedies. The Monitor recommends that the BGC Inspections pay particular attention to gang supervision; in monitoring this area, GOSD should identify a better way to assess the quality of gang supervision regarding field presence than their current method of adding up the self-reported hours in supervisory logs. This may require on-site inspections, as well as further review into the supervisors' log narratives, and comparing them with related reports, such as Daily Field Activity Reports (DFARs).

⁸⁸ This is true, for example, in AD's *GED Selection Audit* regarding tour limitation requirements, as agreed to by the parties regarding extensions, as well as its *SW Audit* regarding timeliness and the accuracy of the search warrant tracking log.

D. Confidential Informants

The *March 2000 BOI Report* identified the improper use of informants as a significant problem within the Department.⁸⁹ The BOI found that former LAPD officer Rafael Perez, his partner and other officers in the CRASH gang unit were using informants inappropriately, putting informants in danger and seldom registering their CIs, as required by Department policy. The BOI further found that informant files were kept in various locations in each command, there were no guidelines mandating where the files were to be maintained, and there was no uniform system to track inquiries into those packages. They also found no clear guidelines specifying when an informant file was active or when it became inactive, and each file differed from the next as to content.

Interviews conducted during the BOI showed that the Department supervisors responsible for approving arrest reports lacked an understanding of the Department's policy on the use of informants and failed to recognize and appreciate the legal, risk management, supervisory, training and management issues inherent in the use of informants.

The BOI's findings stressed a dire need for greater control and training on the use and management of informants, for an informant manual which would establish uniform procedures for the use of informants Department-wide, for adequate training for both the officers who use informants and those responsible for their supervision, for supervisory oversight over those CI files on a regular basis and a centralized database for maintaining information on each informant.

Consent Decree Solutions

The Consent Decree limited the use of informants to non-uniformed personnel⁹⁰ and required the submission of the informant control package for review and approval by the CO prior to utilizing any individual as an informant. Such informant control packages were required to be maintained in a secure location with restricted access and required a strict sign-out record and policy for approval by the watch commander.

The Consent Decree also required close supervision of all informant contacts. This included requiring a supervisor to meet with the informant at least once prior to the informant control package being submitted for approval by the commanding officer and requiring investigating

⁸⁹ In the *March 2000 BOI Report*, then-Chief Bernard C. Parks stated that there was "near-universal ignorance" of the LAPD's rules for using informants and "even less comprehension of the dangers inherent in the use of informants."

⁹⁰ In 2005, the Consent Decree was modified to allow uniformed officers, under the strict guidelines of the Consent Decree, to utilize informants.

officers to confer with their supervisor prior to meeting with the informant. These investigating officers were mandated to document all meetings, significant contacts and information received from an informant in the control package, and to inform their supervisors of any contact with an informant. The Consent Decree also required the LAPD to establish a permanent Department-wide confidential database listing all LAPD informants and containing their CI numbers, names, aliases and dates of birth. There was also a requirement for the LAPD to publish a Confidential Informant Manual that further defined and expanded the procedures for identifying and utilizing informants, including all of the previously mentioned requirements.

Lastly, the Consent Decree required the LAPD to develop a CI policy that reflected these requirements, to train all appropriate personnel on the policy, to implement such policy requirements in the utilization and handling of all CIs, and to conduct audits of these control packages to ensure such policy and Consent Decree requirements were met.

Overall Achievements of the LAPD

The use of informants is among the more sensitive areas of police work, and the Consent Decree requires the LAPD to use strict controls in the use and handling of CI information, the Monitor commends the LAPD for its achievements in this area. At the inception of the extension period, the Department made substantial strides in its use of informants and the related policies and procedures, although it had not achieved compliance with the >94% requirement in all areas. However, the Department achieved substantial compliance with the utilization and handling of informants during the extension period and over the course of the original term and the extension successfully put into place various policies and procedures that established best police practices for the utilization and handling of informants.

The Department released a Confidential Informant Manual in 2002 that incorporated all of the requirements of the Consent Decree. In 2008, the Department developed a new CI manual, discussed in detail below, that specifically outlines the Consent Decree requirements and provides a best practices approach to the handling of informants. This most recent manual provides specific protocols and improved informant forms that eliminate vagueness and ambiguity found in previous manuals, which resulted in confusion among officers handling informants. Based on a recommendation by the Monitor, the Department consolidated the Active Informant Database and the Undesirable Informant Database and updated the system to allow automated queries of information, eliminating the need for manual searches. This also facilitated a more coordinated tracking of all Department informants, and allowed the centralized personnel at Narcotics Division who are responsible for maintaining two databases to report informant information in a single database environment.

Based on the Monitor's recommendation, the Department developed and included in each informant package an instruction sheet with a checklist to remind officers of their documentation obligations. This system serves not only to remind officers of that which needs to be done but also provides a relatively quick method for supervisory review.

In addition, one of the early concerns of both the Department and the Monitor regarding informants was related to the small number of CIs maintained by the LAPD. The Monitor reported in its second quarterly report (Report for the Quarter Ending December 2001) that it noted a dramatic decrease in the number of available active informants.⁹¹ Over the course of the Consent Decree, the Department has since increased its overall number of CIs while at the same time adhering to Consent Decree requirements.

The Department has developed sound policies and has trained on the implementation of those policies to provide officers and supervisors with the knowledge and tools to properly utilize and handle informants.

The Department now maintains all informant packages centrally at Narcotics Division, allowing for stricter supervisory oversight of these informant packages to ensure that Consent Decree requirements and LAPD procedures are met. Supervisory approval is received regularly on all package submissions and contacts with informants, and contacts with informants and documentation of information received are timely filed.

Consent Decree Compliance

In the first three years of the Consent Decree, the LAPD took immediate steps to identify the problems associated with CIs and their control packages, and to develop procedures and guidelines to bring both new and existing packages into compliance with Consent Decree requirements. First, the LAPD Criminal Intelligence Group completed an audit of the CI packages in July 2001 and found that there was no standardized method to maintain informant packages. Although the Department issued a policy in January 2000 regarding the use of informants, which outlined standardized procedures to monitor informant files, and another policy in September 2001 regarding the establishment of a CI tracking system database for all CIs, neither policy was effectively implemented by the Department.

In February 2002, the Department attempted to address the lack of standardization by establishing a new policy regarding the use of informants and implementing a new Informant Manual. Shortly thereafter, the Monitor conducted a review of all CI packages maintained Department-wide and found a very low compliance rate with the requirements related to utilizing and maintaining informants. Although the Department had not yet achieve compliance with many of the requirements, it did achieve compliance with a few fundamental and important procedures, including establishing a CI number and an informant control package for each informant, admonishing each informant that he or she may not violate any laws in the

⁹¹ The Monitor identified a number of factors that may have contributed to the decline in numbers, including the diversion of resources as a result of the need to respond to terrorism threats post-9/11; shortage of experienced, trained gang officers during this time period; and officers in uniform being restricted from maintaining informants.

gathering of information, maintaining all CI packages in a locked and secure location, and ensuring no informants were maintained by unauthorized uniformed officers.

During this same time, the Monitor also conducted a review of the CI database and the Undesirable Informant database and found that the databases contained inaccuracies in the informant information and were missing required information for the informants. The Monitor recommended that all active informant packages be brought up to the standards of both the Consent Decree and the Department's Informant Manual dated February 26, 2002, and that supervisors throughout the ranks be held accountable for failures in this area.

Over the next few years, although the Department slowly improved in its efforts at complying with Consent Decree requirements, the Monitor continued to express concerns that compliance with various fundamental requirements in this area was not yet where it needed to be. Although no substantive failures were uncovered relating to misuse of CIs or other impropriety, the informant control packages continued to be deficient, many packages were missing relevant documentation, and the CI Manual needed revision to clarify requirements and procedures for maintaining informant control packages and the handling of informants. Training on the Informant Manual was occurring in only two Department courses, and the Monitor recommended that training be offered and made mandatory for all officers permitted to manage informants. The Monitor also recommended that the CI and Undesirable Informant databases be properly maintained and all required information captured. The Department worked hard to rectify the deficiencies in the informant packages and databases, but problems with documentation and accuracy of information continued to persist throughout 2003.

By the middle of 2004, the LAPD had made considerable improvements in supervisory oversight and maintenance of CI packages, and relevant training had taken place in March and April 2004 on the LAPD's newly revised Informant Manual dated June 2003. During this same time, the LAPD's AD was in the process of auditing Departmental compliance with the various components of the Consent Decree. In September 2004, the Monitor reviewed AD's *Confidential Informant Control Package Audit*, dated June 28, 2004, and found that AD identified the same issues with the informant packages and the informant databases that the Monitor had previously reported, including lack of documentation and supervisory approval of informant meetings and information and inaccuracies with the database information. In short, the Department had improved greatly but still fell slightly short of substantial compliance with Consent Decree requirements in this area.

Throughout 2005, the Monitor, AD and the OIG all noted that the Department continued to struggle in the area of supervisory oversight of CIs. Issues identified included lack of supervisory approval on payment forms, contact forms and sign-out cards; lack of supervisory approval prior to meeting with an informant; and missing forms and inconsistencies with regard to payments made to informants. However, the Monitor determined that the Department achieved substantial compliance with requirements related to the CI database, since the database's information and the informant packages were now both inclusive and accurate.

At the end of 2006, the Monitor, concurring with AD's findings in its *Confidential Informant Control Package Audit*, dated June 29, 2006, reported that although there was a significant delay in filling out contact forms in informant packages, overall, the maintenance and documentation of the CI packages had significantly improved from the prior years' reviews.

Another requirement regarding CIs was that supervisors who manage officers who handle informants be evaluated for this task on their annual performance evaluation. In CRID's Supervisory Performance Evaluations Audits for 2006, 2007 and 2008, they found that this requirement was not taking place appropriately, and the Monitor concurred.

The LAPD issued a revised Informant Manual in March 2008, which further outlines specific requirements regarding informants and helps to ensure adherence to these requirements, and also provides a best practices approach to the handling of informants that will carry the Department forward after the term of the Consent Decree extension expires. In addition to the development of a new manual, the Department also addressed the Monitor's and AD's findings regarding the delay in filing contacts with informants in the control packages. In June 2007, the Department, specifically Narcotics Division, put a procedure in place for sending interdepartmental correspondence to commanders and controlling officers to follow up on contact sheets not received within 30 days of a contact with a CI. The Department also adhered to requirements regarding documentation of contacts with informants, information provided by informants and the results of investigations conducted pursuant to the information provided; supervisory approval of such contacts with informants and the information provided; and maintaining access to such control packages.

By the end of 2008, the Monitor, AD and the OIG all concurred that the Department had achieved substantial compliance with all Consent Decree requirements relating to CI.

Recommendations

The Monitor, as stated above, commends the LAPD for the accomplishments it has made in achieving compliance with Consent Decree requirements regarding the utilization and handling of CIs, the CI database and the CI Manual. With the policies and procedures in place, and the oversight role of AD and the OIG to ensure that the policies and procedures are followed, deficiencies corrected and recommendations followed up, the Monitor is confident that going forward CIs will be properly maintained under these strict guidelines and subject to adequate supervisory oversight. The Monitor offers the following recommendations regarding CIs, which are applicable to the Department, AD and/or the OIG where noted, or all three if not specified.

- The Department should consider training on the Informant Manual for other Department personnel who may encounter the need to understand the strict guidelines surrounding informants. These informant requirements should also be offered annually in Roll Call training.

- The Monitor urges that any policy changes, including the issuance of a new CI Manual, be approved and distributed prior to implementation, and that AD and the OIG ensure this takes place in their own future reviews.
- The Department needs to ensure that supervisors and managers overseeing officers who handle informants are getting evaluated on this task in their annual performance evaluation. AD and the OIG need to review and report on this process taking place.
- The Monitor commends the Department for ensuring that NCIs are appropriately managed in accordance with the same policies and guidelines as CIs, and recommends that this continue.

E. Development of Program for Responding to Persons with Mental illness

Calls for reform in the way that the Department dealt with the mentally ill were made in the wake of a high-profile LAPD shooting incident that occurred in May 1999, involving a mentally ill 55-year-old homeless woman. The woman was stopped by two LAPD bicycle officers in Wilshire Area to determine if she was pushing a stolen shopping cart, and one of the officers shot and killed her after she had allegedly lunged at him with a 12-inch screwdriver. Chief Bernard Parks found the incident in policy notwithstanding Inspector General Jeffrey Eglash's conclusion that the woman did not pose a lethal threat to the officer and his partner. The Board of Police Commissioners voted 3-2 in finding the shooting out of policy. Department critics wanted to know why the officers had not used nonlethal means to subdue her. Her family subsequently filed a wrongful death lawsuit, and the City Council approved a \$975,000 settlement of that litigation.

Consent Decree Solutions

In order to improve the LAPD's dealings with the mentally ill, the Consent Decree required the LAPD to evaluate best practices from other law enforcement agencies in the United States, including training, policies and procedures for dealing with persons who may be mentally ill. The requirement extended to reviewing specific incidents in other jurisdictions. The LAPD was also required to report the results of these evaluations to the Police Commission, including proposed changes to training, policies and procedures for dealing with persons who may be mentally ill. Lastly, the Decree required the Department to complete an audit to evaluate LAPD handling of calls and incidents involving persons who appear to be mentally ill and to incorporate the findings and recommendations.

Overall Achievements of the LAPD

The LAPD achieved success in reaching substantial compliance with all Consent Decree requirements during the initial term of the Decree. Specifically, the Department, through a contract with Lodestar Management Research, thoroughly researched best practices throughout the United States and responded to recommendations of the DOJ and the Monitor relative to proposals for new policies and procedures. In addition, with the launch of a number of successful initiatives in this area, the specifics of which are detailed in the next section, the Department now has the recognized best practice in law enforcement for this subject area.

Consent Decree Compliance

The LAPD submitted a RFP in July 2001 seeking a contractor to evaluate successful programs in other jurisdictions and study the procedures and training in place at the LAPD. In December 2001, the LAPD selected Lodestar Management Research (Lodestar) to prepare a report of their findings, which was to be forwarded to the Chief of Police who would then make recommendations to the Police Commission and then forward the report to the City Council and the Mayor. Lodestar was also tasked with reviewing the LAPD's training, policies, practices and procedures, and conducting a review of select incidents involving the LAPD's contacts with persons who may have been mentally ill.

On July 15, 2002, the LAPD submitted its report on the Consent Decree Mental Illness Project (CDMIP) to the Police Commission, containing the Department's findings and recommendations. The report and related funding requests were approved by the Police Commission on October 8, 2002. The Department's findings included a judgment that LAPD's incident tracking systems, including UOF, did not readily identify incidents that involved persons who may be mentally ill. As a result, the ability to evaluate the effectiveness of the LAPD's response and to identify trends or training issues was limited. The Department also found that there "may be better methods of training to ensure a greater understanding and sensitivity regarding persons who may be mentally ill," and issued a number of recommendations. These recommendations included centralizing authority for the Mental Health Crisis Response Program (MHCRP) under the supervision of the CO, Detective Services Group (DSG); expanding the System-wide Mental Assessment Response Team (SMART)⁹² citywide; and expanding the Crisis Intervention Team Pilot Program (CIT), which was then located in the Central Area, to include the Van Nuys Area. The LAPD then requested Lodestar to provide additional analysis to assist in the development of evaluation criteria and an "evaluation tool" for expansion of the CIT program citywide, in the

⁹² SMART was a collaborative effort between the Department of Mental Health (DMH) and the LAPD to respond to calls involving persons who may be mentally ill.

light of concerns expressed by the DOJ and the Police Commission's request that the LAPD respond to the DOJ's concerns.⁹³

During the first quarter of 2003, a four-hour Department-wide training session was provided to all field personnel at the level of Lieutenant and below in connection with the Department's philosophy and new policies and procedures concerning encounters with persons who may be mentally ill. The training included assessment and de-escalation skills specific to those encounters. A Mental Illness Update was provided in 2006 for all personnel who attended this course in 2003. During the summer of 2003, the Department adopted the MHCRP title in centralizing its programs and an MHCRP Coordinator was appointed. Additionally, a Department-wide philosophy/mission statement was developed; the CIT Program was extended from Central Bureau to Van Nuys, West Los Angeles and Harbor divisions; and the related 40-hour training course was implemented in these three Areas. Also in 2003, a new database was established by the Mental Evaluation Unit (MEU) to document encounters by CIT Officers with persons who may be mentally ill. Communications Division Order No. 10 was issued to implement procedures for handling calls involving persons with mental illness.

The Department's Mental Illness Program Implementation Plan was completed in November 2003. It addressed and reported on the status of all the Department's Mental Illness Project recommendations approved by the Police Commission in 2002 and the *Mental Illness Program Audit* required under Consent Decree paragraph 113. By December 2003, the Department implemented a review of all completed NCUOF and CUOF investigations involving persons who may be mentally ill and the UOF Form (face sheet) was modified to include additional indicators of impairment.

The LAPD's Information and Technology Division (ITD) received and installed a new computer server for MEU's database and tracking system, which became operational in April 2004. On May 10, 2004, the Board of Police Commissioners directed the Department to expand MEU/SMART to provide coverage 20 hours a day, seven days a week⁹⁴. Beginning in November 2005, the MEU developed a SMART Pilot Program in which a SMART Unit⁹⁵ was assigned to Central Division three days a week during the hours of 7 a.m. to 3 p.m. The program's goal was to provide assistance to Central Division's Patrol⁹⁶ in its daily encounters with persons who may

⁹³ In July 2002, the DOJ informed the City of its concerns with the LAPD report based in a comparison of that report to the analysis and recommendations contained in Lodestar's report.

⁹⁴ The MEU/SMART does not have coverage between 0200 and 0600. In 2005, there were 499 involuntary holds on individuals with suspected mental illness between these hours.

⁹⁵ SMART Units include both LAPD and Los Angeles County DMH personnel.

⁹⁶ Central Division was selected since it has the highest number of calls for service that involve persons suffering from mental illness.

have a mental illness. When such a person is identified, the SMART Unit conducts an assessment of the individual and then seeks appropriate care.

As of early 2005, the CDMIP team implemented a new proactive program designed to identify and deal with those persons who had a high volume or pattern of repeated LAPD calls for service, and coordinate their access to available mental health services. The DMH, DAO, City Attorney and other entities were involved in this program. Once those individuals were identified, the various Departments and agencies engaged in a “full court press” to proactively seek out and get help for them, including getting the person confined for treatment. In January 2005, the CDMIP coordinator reviewed the MEU database and identified 67 individuals who have been placed in at least six involuntary holds. These individuals had also been the subject of numerous arrests and/or radio calls, which resulted in a significant drain on patrol resources. The initial estimate indicated that these individuals represented 5,000 hours of lost patrol resources. By developing the Crisis Assessment and Management Program (CAMP), which addressed the needs of these individuals, the Department sought to create a system to better track these individuals and direct them to the appropriate mental health services instead of the criminal justice system. The CAMP Pilot Program began operating on September 18, 2005. The most significant success of the CAMP Program has been the reduction of time spent by patrol officers handling repeat calls for service involving persons with suspected mental illnesses. In mid-2008, CAMP became a permanent Unit within the Crisis Response Support Section.

The Monitor commends the Department for integrating SMART to the extent it has. As recently as 2006, SMART would arrive at the scene of crisis calls, such as suicides in progress or a barricaded suspect, and would be dismissed by the Incident Commander as “not needed.” As the program evolved, watch commanders and incident commanders learned the value of SMART Teams. SMART Teams have proven to be an invaluable tool for providing information and helping to develop strategies for reducing the potential for violent encounters between law enforcement and persons with suspected mental illnesses. SMART personnel also monitor dispatch calls and often respond to calls for service involving persons with suspected mental illnesses without being requested. This provides SMART the ability to assist patrol personnel and Incident Commanders at the early stages of critical incidents and may reduce injury to an individual who is taken into custody, while providing them with the appropriate mental health services, as opposed to being incarcerated.

As of December 31, 2008, the LAPD has expanded its MEU-related training. On a quarterly basis, MEU conducts CIT Training, a 24-hour POST certified course, which is open to outside law enforcement agencies. Several e-learning courses were completed during 2008 and 2009 and distributed Department-wide. A segment on supervisor responsibilities regarding handling calls for service involving the mentally ill was added to the Supervisor and Watch Commander Schools. Courses geared toward SWAT officers, as well as detention and dispatch personnel were provided late in 2008 in order to enhance their respective understanding of mental illness. MEU in partnership with the Autism Society of America has provided training to over 1,000 Department personnel on Autism Awareness. MEU has continued to carry out regular Roll Call

training to patrol personnel with an overview of MEU functions and patrol officer responsibilities.

The MEU has made significant advances in its program during the full term of the Consent Decree, and the LAPD continues to be in the national forefront of this important policing issue. The Monitor commends the Department and the dedication of those individuals who have been involved and associated with the LAPD's Mental Health Project.

Recommendations

Simply put, the LAPD should continue to do what it has been doing.

F. Training

1. FTO Program

In regards to training, the Christopher Commission reported that there was "disturbing evidence that many FTOs openly perpetuate the siege ('we/they') mentality that alienates patrol officers from the community." The Commission also found that absent a requirement of one-and-a-half years experience and passing a test, "there were no other formal criteria for eligibility for FTO positions" or FTO "disqualification based on officers' disciplinary records." Among the Commission's recommendations were that "uniform criteria for selection of FTOs should be established" and that "successful completion of FTO School should be required before an FTO begins training probationers."

The *March 2000 BOI Report* focused considerably more time on supervisory training. The BOI noted that officers newly assigned to FTO duty should be given priority to attend FTO School. This was to ensure that they would not conduct their duties without being trained on them.

Consent Decree Solutions

The Consent Decree required the LAPD to continue to implement formal eligibility criteria for FTOs, including demonstrated analytical skills, demonstrated interpersonal and communication skills, cultural and community sensitivity, diversity and commitment to police integrity, as well as a positive evaluation on the officer's TEAMS II record. The Consent Decree also stated that "FTOs may be removed during their tenure for acts or behaviors that would disqualify the officer from selection as an FTO." Lastly, the Decree required the LAPD to continue to implement a plan to ensure that FTOs receive adequate training and regular and periodic retraining to carry out their duties. This training must include training to be an instructor and training in LAPD policies and procedures.

Overall Achievements of the LAPD

Training is an investment in the future of any police department. The LAPD has been tremendously successful in its effort to improve its training function. The Monitor is very optimistic that this success will build a great base for LAPD's future excellence. Field training is a crucial topic in the Consent Decree, as recruit training has far-reaching implications for the future of the LAPD.

On February 26, 2004, the Police Training and Education Division (PTE) assumed responsibility for FTO update school from Training Division. At this time the attendance rate for FTO update school was less than 30%. Upon assuming responsibility, PTE immediately organized the training list and contacted the training coordinators to get the officers into the classroom. Based on these efforts, in less than two months, PTE was able to raise attendance to 94%. As a result of PTE's extraordinary effort, the Department achieved compliance with certain FTO training requirements during the quarter ending March 31, 2004.

As a result of deficiencies identified, during the quarter ending September 30, 2005, the Monitor recommended that the LAPD centralize the administration of the FTO program so that LAPD management could more effectively identify, supervise and train FTOs. By the quarter ending December 31, 2005, the Monitor noted significant improvements. All of the FTO selection packages reviewed contained references that indicated TEAMS I reports had been reviewed prior to selection, and none of the officers selected as FTOs during the period reviewed had a sustained administrative investigation, adverse judicial finding or instance of discipline that fit the requirements of this subparagraph. As a result, the Monitor concluded that all of the officers reviewed were qualified to serve as training officers and found the LAPD in compliance with all related requirements.

During the quarter ending March 31, 2006, the Monitor found the LAPD in compliance with additional requirements, as FTOs found non-compliant in previous testing had either sufficiently rehabilitated their work performance to a satisfactory level and were qualified to perform as FTOs, or were prohibited from serving as FTOs through internal Departmental processes. During this period, the LAPD created a centralized FTO Unit at the Training Academy, commanded by a Lieutenant. The centralization of selection, training and record keeping of FTOs was a major step forward in management of the FTO Program.

As an extension to the FTO program, exchange and interaction with senior lead officers (SLOs) is introduced when the field training probationary period begins. The exposure to SLOs is very beneficial in combination with the FTO, as the new probationer learns how to apply policing procedures, including community policing skills. Currently in 2009, all SLOs attend the FTO course so they meet the State of California standards to allow SLOs to train recruit officers. Generally, new probationary officers are assigned and partnered during their probation with SLOs after their first 24 weeks of field training.

Although the Department had not achieved substantial compliance with all requirements regarding FTOs during the initial term of the Consent Decree, as a result of the efforts of the FTO Unit and the improvements implemented by the Department, the Department was able to achieve substantial compliance with all requirements during the extension.

Consent Decree Compliance

The Monitor originally had difficulty evaluating these paragraphs because the Department's computer system did not identify FTOs to distinguish them from P-IIIs not serving as FTOs. This made sample selection impossible. In its Report for the Quarter Ending September 30, 2002, the Monitor reported that the Department would apply a new identifying code to existing and future records so FTOs could be identified.

Early assessments of compliance with Consent Decree requirements regarding FTOs revealed that the Department needed to make significant improvements in order to comply with those requirements. The Monitor found that selection files were not documenting that candidates were selected because they possessed the skills required, the Department had not developed a curriculum to fulfill the full number of hours required for FTO update training, FTO attendance at available courses was inadequate, annual performance evaluations were insufficient for some FTOs, and serious sustained complaints should have, but did not, disqualify some FTOs from the program. The Department subsequently developed the final eight hours of FTO update training, which began in January 2003, though it still reported insufficient officer attendance.

As described above, the PTE assumed responsibility for FTO update school in February 2004 and the Department soon achieved its first finding of compliance with requirements in this area. The Monitor also found the LAPD in compliance with additional requirements during the quarter ending June 30, 2004, as all FTO selection packages reviewed contained references that indicated TEAMS I reports had been reviewed prior to selection.

Despite these achievements, the Department continued to struggle with many of the requirements in this area. Significantly, the Monitor determined candidates possessed the necessary skills required of an FTO in 17 of 22 selection packages reviewed, and the Monitor identified a considerable number of FTOs who should not have been training probationary officers, as the officers in question were found administratively responsible for, among other things, fraud, domestic violence, inappropriate touching of a co-worker, false statement, inappropriate use of position for personal gain and enlisting a probationary officer to lie in an investigation.⁹⁷ Furthermore, although the LAPD was able to identify the total number of officers who were serving or had once served as FTOs, it was unable to identify the officers selected to serve as FTOs for the period requested for the Monitor's testing.

⁹⁷ Some of these offenses resulted in significant suspensions, including 60 days and 88 days. In addition, the Monitor learned that at least two of the officers in a sample selected for review had never attended the 40-hour FTO School.

During the quarter ending March 31, 2005, the Monitor found the LAPD in noncompliance with requirements regarding FTO de-selection, as the Monitor identified a considerable number of FTOs who should not have been training probationary officers.⁹⁸ The Monitor then found the LAPD in compliance with this requirement during the quarter ending March 31, 2006. As described above, the Department's efforts to centralize selection, training, and record keeping of FTOs significantly improved the management of the FTO Program, which led to the Department achievement of compliance with the various requirements of this section of the Decree.

Since the LAPD had not achieved substantial compliance with all requirements during the initial term of the Consent Decree, the Monitor continued to actively monitor the pertinent paragraphs during the extension period.

During the extension, the Monitor found the Department in compliance with requirements regarding formal eligibility criteria for FTOs during the quarters ending December 31, 2006, and December 31, 2007; with requirements regarding the FTO de-selection during the quarters ending June 30, 2007, and June 30, 2008; and with requirements regarding an FTO training plan during the quarters ending September 30, 2007, March 31, 2008, and September 30, 2008. As a result, the Department achieved substantial compliance with the requirements of these paragraphs, and the Monitor discontinued active monitoring of them during the remainder of the extension period.

Recommendations

The Monitor, as stated above, enthusiastically commends the LAPD for the accomplishments it has made in achieving compliance with the field training requirements. Policies and procedures are in place, and the oversight roles of AD, the Police Commission and the OIG clearly ensure that policies and procedures are followed, deficiencies are corrected and recommendations are implemented. The Monitor is confident that going forward, the Department will ensure that field training by the LAPD follows the "best practices" of law enforcement. The Monitor offers the following recommendations regarding the FTO program:

- The LAPD should ensure that FTOs are evaluated annually using the new Standards Based Assessment.

⁹⁸ The officers in question were found administratively responsible for, among other things: fraud, domestic violence, inappropriate touching of a co-worker, false statement, inappropriate use of position for personal gain and enlisting a probationary officer to lie in an investigation. Some of the above-mentioned offenses resulted in significant suspensions, including 60 days and 88 days. In addition, the Monitor learned that at least two of the officers in the sample had never attended the 40-hour FTO School.

- The LAPD should have COs continue to review complaints sustained against currently serving FTOs in order to ensure their continued fitness for training probationers.
- The LAPD should continue to track FTO training and update training to ensure that FTOs remain fully trained in their duties and can impart the most up-to-date information to their recruit officers.

2. Training Content

The Christopher Commission reported that “the Department neither mandates nor monitors in-service training,” and noted that “Division commanders have discretion to conduct in-service days and to design the training program” and “there is no consistency in the usefulness of these programs across the Department.” The Commission recommended that the Academy “should take responsibility for roll call and other in-service training,” “develop detailed training outlines that every division would use,” and “have instructors available to assist watch commanders to implement those training programs.”

The BOI focused a considerable amount of time on training content and reported that “several supervisors noted the imbalance in favor of tactical training tended to perpetuate the siege mentality among the officers” in their divisions. The *March 2000 BOI Report* included several recommendations related to ethics and integrity training, including that “the Department must develop a comprehensive training program on ethics, integrity, mentoring, and leadership, to be given annually as a supplement to Area training efforts; all Department employees should receive greatly increased training in the areas of ethics and integrity and that training should be fully integrated into our regular training programs; and classroom instruction on ethics should be reinforced through other training opportunities such as commanding officer presentations during standardized roll call training, discussion in supervisory meetings, monitoring and auditing the work environment, and workshops in divisional training days that encourage frank discussions about this issue.”

Consent Decree Solutions

The Consent Decree required the LAPD to “continue to provide all LAPD recruits, officers, supervisors and managers with regular and periodic training on police integrity,” including “the duty to report misconduct” and “cultural diversity.” The LAPD was also required to train all members of the public scheduled to serve on the Board of Rights (BOR) in police practices and procedures. Additionally, the Decree stated that “the City may establish a plan to annually provide tuition reimbursement for continuing education for a reasonable number of officers in subjects relevant to this Agreement, including subjects which will promote police integrity and professionalism.” Lastly, the Decree required the LAPD to “establish procedures for supervisors and officers of the LAPD to communicate to the LAPD Training Group any suggestions they may have for improving the standardized training provided to LAPD officers.”

Overall Achievements of the LAPD

Again, the Monitor finds that the LAPD has had tremendous success in this training function. As a direct result of the Consent Decree, a basic blueprint for reforming the Department was outlined. Training was a core component of bringing about organizational change, and effective training was critical to institutionalizing those reforms. In 2001, there was not one law enforcement agency in the country using e-learning as a means of disseminating consistent training. Likewise, there were no law enforcement academies in the United States using an integrated approach to training on the various disciplines. Adult learning theory was not consistently modeled by any state or federal agencies as a means of training officers. The LAPD, however, embraced the recommendations of the RAND Report and began to research best practices in training.

As a result, eight years after the inception of the Decree, the LAPD uses adult learning theory and critical-thinking/problem-solving skills in all aspects of training. The Department researched and formed an e-learning unit that is now the cutting edge in distance learning in law enforcement, producing approximately 20 courses annually. The Department also created and staffed the first curriculum design unit of its kind that standardizes all lesson plans, incorporates adult learning theory, case studies and scenario exercises wherever feasible. It is also responsible for cross-staffing for consistencies in laws, policies and procedures to ensure that all lesson plans are consistent throughout the organization.

Recently, the Department launched its first ever learning management system, which will allow completely standardized lesson plans to be available and used by all trainers in the organization and will serve as a “one-stop shop” for employees to access annual training calendars. This system will also provide the capability to design a course catalogue, so that all employees will have the ability to plan their career paths and understand the training requirements for the various paths, as well as know when courses will be presented and how to fairly apply for such training and educational opportunities.

Consent Decree Compliance

Although considered a permissive requirement, the Monitor found the LAPD in compliance with the requirement to establish a plan to annually provide tuition reimbursement for continuing education in subjects that promote police integrity and professionalism, as it established a tuition reimbursement program. The City announced the initiation of a tuition reimbursement program on June 28, 2001. It began receiving requests for reimbursement shortly thereafter. The Monitor found that the City approved most requests and properly denied the rest for a variety of administrative deficiencies, e.g., no proof of payment, no transcript submitted, course not completed.

As required by the Consent Decree, the Department implemented several procedures for communicating suggestions to the Training Group. The Department was receptive to suggestions and willing to develop training based on actual needs and, in fact, integrated seven suggestions into the training curriculum. In February 2002, the Continuing Education Division, along with the California Commission on Peace Officer Standards and Training, developed a revised Basic Supervisory School as a result of course evaluations and student interviews. The training that resulted required each Sergeant candidate to participate in two one-day ride-alongs with an experienced Sergeant.

After early struggles in complying with requirements regarding police integrity training, the Department made significant strides in improving and enhancing it this training over the term of the Decree. By 2003, the Department developed an interactive learning exercise that adequately addressed misconduct, the duty to report misconduct and the protections afforded to those who report misconduct and incorporated this exercise in CEDP Module VI, titled "Weapons of Mass Destruction." An exercise in the course required the class to break into small discussion groups to discuss legality of a stop, department policy prohibiting racial profiling, duty to report misconduct, retaliation and protections afforded to those that report misconduct. The Department also took significant steps toward monitoring its own compliance and began to get ahead of schedule with regard to officer attendance at a training module. Eventually, the Department successfully developed a training program with a comprehensive curriculum, a novel delivery plan, and measurements in place to ensure adequate attendance and consistent, quality training, and in 2005, a 90-minute web-based e-learning training module on police integrity was introduced, which enabled the Department to train greater than 95% of its personnel in six weeks. In 2006, the LAPD continued scheduling field, supervisory and command staff training for a number of in-service training modules that included portions of or all of police integrity training requirements, including the Workplace Discrimination and Retaliation Prevention Course, Risk Management/Civil Liabilities Three-hour Course, Vehicle Stops and End of Pursuit Tactics.

Beginning in the quarter ending September 30, 2002, the Monitor found the LAPD in non-compliance with the training requirements related to civilian BOR members. The Monitor found that the training was inadequate, especially in the area of tactics and Department policy, as it did not provide Board members with the requisite knowledge for them to fulfill their membership expectations. As a result, prior to the extension, the Monitor found the Department in substantial compliance with all requirements in this section of the Decree except for the requirements regarding training for civilian members of the BOR.

With the Monitor's participation, Police Commission staff developed lesson plans for civilian BOR training to meet the requirements regarding the training of Board members. An all-day training session was held on March 31, 2007, attended by 45 of the newly selected examiners, DOJ personnel and a member of the Monitoring Team. The three hearing examiners who did not attend the training attended a separate training session presented by the Police Commission's Executive Director. These efforts led the Department to achieve compliance with the pertinent requirements during the quarter ending March 31, 2007, and the Department

remained in compliance during subsequent assessments. As a result, the Department achieved substantial compliance with the BOR-related training requirements during the extension.

Recommendations

The Monitor commends the LAPD for the accomplishments it has made in achieving compliance with the training content requirements. With the policies and procedures in place, the oversight role of AD, the Police Commission and the OIG will ensure that the policies and procedures are followed, deficiencies corrected and recommendations implemented. The Monitor is confident that going forward, the Department will be proactive in ensuring that training content continues to emphasize police integrity. The Monitor offers the following recommendations regarding training content:

- The LAPD should continue to ensure that new civilian members of the BOR receive training in police practices and procedures.
- The LAPD should continue to communicate to Training Group any suggestions from supervisors and officers on how to improve training programs.
- The LAPD should continue its adult learning and scenario-based approach to police integrity training.

3. Supervisory Training

The *Christopher Commission Report* stated that “sergeants, lieutenants, and captains are expected to be leaders as well as administrators and should therefore receive formal leadership training including command accountability.” The report further stated that “supervisory and command officers must learn to be role models, to recognize problems in other officers, and to assist troubled officers through such difficulties.” The commission found that “the training emphasis is on administrative skills” and “not leadership or accountability,” and recommended that “command accountability and effective supervisory techniques should be the primary focus of the training of sergeants, lieutenants, and captains.”

In its *May 2000 Letter Report* to the City, the DOJ wrote that “serious deficiencies in City and LAPD policies and procedures for training, supervising, and investigating and disciplining police officers foster and perpetuate officer misconduct” and that “many supervisors do not have the training necessary to perform their supervisory responsibilities and correct deficiencies.”

The *2001 BOI Report* also focused a considerable amount of time on supervisory training and found that “over 230 sergeants ha[d] not attended the Supervisory Development Course” and “many of those sergeants ha[d] been in the field as supervisors for a year or longer with no

formal instruction on their duties.” The BOI recommended that “consideration...be given to reorganizing the Supervisory Development Course from a four-week block of instruction to a program of smaller blocks of instruction spread out over a longer period of time.” The BOI also recommended that “a one to three day introductory course...be developed for new sergeants, detectives II and non-sworn supervisors” and “no one...be permitted to work as a supervisor until he or she attends the course.”

Consent Decree Solutions

Regarding supervisory training, the Consent Decree required the LAPD to “provide all officers promoted to supervisory positions, up to and including the rank of Captain, with training to perform the duties and responsibilities of such positions.” Such training was to be provided before they assumed their new supervisory positions. The Consent Decree also required the LAPD to provide regular and periodic supervisory training on reviewing the reports addressed in the Decree, incident control and ethical decision-making. Lastly, the Decree required the LAPD to “ensure that any supervisor who performs, or is expected to perform, administrative investigations, including chain of command investigations of uses of force and complaints, receive training on conducting such investigations.”

Overall Achievements of the LAPD

The first step the LAPD took in its efforts to comply with Consent Decree’s supervisory requirements was to issue a notice, dated July 2, 2001, stating that members must be trained prior to assuming a new position. However, early in the term of the Decree, the Monitor found an insufficient number of officers were receiving supervisory training prior to assuming their posts, and some supervisors had last received training as far as 10 years previously. By the end of 2003, the Department had greatly improved its ability to train supervisors prior to assuming their duties.

As described in a focus issue in the Monitor’s Report for the Quarter Ending June 30, 2004, both the Monitor and the DOJ attended a training session on June 8, 2004, in which snide and inappropriate comments were overheard being made by several Supervisors. The Departmental response to the complaints of the Monitor and DOJ was admirable – upon learning of these remarks, the Department sent a clear and resounding message to its members that such sentiments expressed during these classes would not be tolerated. Specifically, on June 10, 2004, two days after the incident occurred, training coordinators were retrained. It was made clear that the comments expressed by the offending Supervisors reinforced the perceptions of those on the “outside” that the culture of the LAPD had not changed. The need for trainers to take responsibility for their classrooms and establish a professional environment was reinforced. The trainers were assured that they would have the support of the command staff, training group, CRID and Office of Human Resources should they need to “take on” a difficult student, especially one of a higher rank. In addition, the Chief of Police held a meeting

with all of the Command staff on June 15, 2004, reiterating his requirement of professionalism and respect, in the field as well as in the classroom. The Chief also circulated a letter on June 29, 2004, and a video in the beginning of August, to all members of the Department in which he stated that the behavior described to him was “unnecessary and unacceptable” and that “openness and transparency to the community must be reflected both inside the confines of our organization, including the classroom, as well in our field contacts.” This incident is an example of the attitude shift and strides the LAPD has made in the area of supervisory training.

The LAPD’s *Standardized Quarterly Supervisor Training*, launched in the fourth quarter of 2003 and still in place, provides information relative to the duties of all supervisors. To date, topics have included FDRs, UOF Reporting, Detention Log Review, Performance Evaluation Reporting Guidelines, Complaint Investigation Procedures and Police Officer Selection to FTO and GED Units.

Consent Decree Compliance

During the quarters ending March 31, 2002, and March 31, 2003, the Monitor found the LAPD in non-compliance with the requirement to provide supervisory officers with relevant training prior to assuming new supervisory positions. The Monitor found that an insufficient number of the officers evaluated received supervisory training prior to assuming their posts. The Monitor reported similar findings during the quarter ending September 30, 2003, but withheld a compliance determination due to the need to ascertain whether the officers who had not received training signed affidavits stating that they refrained from performing supervisory duties until after they had received training. During the quarter ending December 31, 2003, the Monitor found the Department in compliance with this requirement, as 96% of promoted members received requisite training prior to promotion. The Monitor then found the Department in non-compliance with the requirement during the quarter ending September 30, 2004, and in compliance during the quarter ending September 30, 2005.

The Monitor found the Department in compliance with the requirement to provide regular and periodic supervisory training on reviewing the reports addressed in the Decree, incident control and ethical decision-making for the first time during the quarter ending September 30, 2003, as a sufficient number of supervisors had received the appropriate training on a regular and periodic basis. The Monitor found the LAPD remained in compliance with this requirement during subsequent assessments conducted during the remainder of the initial term of the Decree.

The Monitor found the Department in compliance with investigatory training requirements for supervisors for the first time during the quarters ending June 30, 2004, and then again during the quarter ending September 30, 2005. In both instances, the Monitor found that a sufficient number of supervisors received the appropriate training.

The Monitor concluded that the Department achieved substantial compliance with the supervisory training requirements of the Consent Decree by the expiration of the initial term of the Consent Decree. As a result, the Monitor did not actively monitor compliance with these requirements during the extension period.

Recommendations

The Monitor commends the LAPD for the accomplishments it has made in achieving compliance with the supervisory training requirements of the Consent Decree. Policies and procedures are in place, and the oversight role of AD, the Police Commission and the OIG will ensure that the policies and procedures are followed, deficiencies corrected and recommendations implemented. The Monitor is confident that the Department will be proactive in ensuring that quality supervisory training in the LAPD will continue to take place. The Monitor offers the following recommendations regarding supervisory training:

- The LAPD should continue to ensure that supervisors are trained on how to conduct administrative investigations.
- The LAPD should continue to track supervisory training and update training to ensure that they remain fully trained in their duties.

G. Internal and External Oversight/Monitoring

1. Ethics Enforcement Section Integrity Audits

The DOJ's *May 2000 Letter Report* to the City of Los Angeles concluded that the LAPD "failed to supervise officers properly by failing to identify and respond to patterns of at-risk officer behavior." The DOJ continued to discuss the necessity of an adequate early warning system and the fact that the LAPD's current system was insufficient.

Consent Decree Solutions

In order to validate patterns of at-risk officer behavior, whether that risk is flagged by an early warning system, identified via consideration of an officer's work history, or reported by the public, the LAPD was required to establish a discrete unit responsible for conducting random and targeted ethics audits of officers. Of greatest concern were patterns of at-risk behavior that included unlawful stops, searches, seizures (including false arrests), uses of excessive force or discouraging the filing of a complaint or failing to report misconduct or complaints. The LAPD was required to develop and initiate a unit responsible for conducting such audits before July 1, 2001.

Once implemented, the LAPD was required to submit quarterly reports detailing the unit's efforts, and such reports were to be timely submitted to the Police Commission and the IG by the Chief of Police for review and consideration.

Overall Achievements of the LAPD

At the onset of the Consent Decree, the LAPD established what is now commonly known as the EES.⁹⁹ Within the LAPD's organizational structure, this unit reports directly to the Deputy Chief of the LAPD's PSB.

The EES was tasked with conducting both random and targeted "sting audits."¹⁰⁰ Random audits assess officer conduct without any specific officer in mind whereas targeted audits are directed at officers identified through analysis, research or referrals¹⁰¹ considered potentially at risk.

Prior to undertaking a targeted audit, the EES supervisor tasked with managing the audit first makes a determination whether the suspected behavior meets the defined at-risk criteria. If so, subsequent planning and consideration determines whether a staged scenario is appropriate for capturing the results of an audit.

As outlined in the "Integrity Audit Guide," EES developed specific procedures required of all of its audits as follows:

- Final Report with conclusion signed by Lieutenant of EES.
- Integrity Audit Request documenting the topic of the audit and the audit approach. This request requires review and approval by several levels of EES supervisors with the final approved by the CO of PSB.
- Site Survey identifying the desirable location(s) to stage an audit and the locations of the nearest police station and hospital for officer safety purposes.

⁹⁹ Special Order No. 22, *Ethics Enforcement Section, Internal Affairs Group – Established*, dated August 1, 2001.

¹⁰⁰ Initially, in order to establish a data source for conducting "sting audits," EES staff entered information contained in over 5,000 complaint face sheets in order to conduct analysis to identify possible patterns of misconduct by officers.

¹⁰¹ Referrals for sting audits may be generated through several sources, including, but not limited to: prior complaints, LAPD supervisors and managers, Risk Management Group, utilizing TEAMS data, as well as directly from other officers. Ideally the new TEAMS II system, by virtue of containing more consistent data and logic versus TEAMS, will identify officers deemed "at risk" for random or targeted audit.

- Operational Plan describing each component of the audit and the role of each EES participant. Also addresses safety concerns, the requisite equipment, as well as the briefing and staging areas.
- Video and/or audio equipment requests.
- TEAMS report(s) of the targeted and/or involved officer(s).
- History of any complaints and/or other reports that lead to the audit.
- Investigator notes, including a chronological log of the audit.

In 2002, the Monitor noted that sworn officers assigned to EES, particularly undercover officers, did not have access to counseling services of the LAPD's BSS. Undercover officers may require such support given the demands and stress placed on their performance and possible risk can be overwhelming. Also, officers completing a tour of duty with EES may encounter anxiety about re-entering the LAPD work force. The Monitor recommended that the LAPD arrange for counseling services for EES officers. In response, the LAPD provided EES personnel with access to BSS psychologists specifically assigned to PSB personnel. Recently, the Special Operations Division developed an integration/re-integration program for all EES officers working in an undercover capacity. With training and BSS assistance, undercover officers, whether transitioning into or out of the EES, are prepared for the psychological demands.

During mid-2003, the Chief of Police received information that complaints from the public were not always accepted at all the Divisions. As a result, the EES was tasked with significantly increasing the number of random complaint intake audits for all Divisions in order to determine whether employees were complying with this requirement.

Throughout the term of the Decree, the EES, the OIG and the Monitor met to discuss expectations when conducting and reviewing future complaint intake audits, whether random or targeted. The parties also discussed circumstances in which information on complaint forms contained inaccurate or incomplete information and EES' analysis and conclusions.¹⁰² In 2005, all three parties agreed to include another audit classification, "pass-substandard." This finding acknowledged that although officer response to the audit was compliant, deficiencies were nonetheless noted requiring address. These deficiencies were typically administrative in nature.¹⁰³

¹⁰² Up to this point in time, the EES reported audits as *Pass, Fail, Administrative Fail* or *Inconclusive*.

¹⁰³ Certain audits identified officer actions that did not conform with Department Policy and Procedures outside the scope of the intended audit. For many of these instances, the EES CO contacted the officer's CO to report the findings.

EES audits of officer conduct have contributed to the overall goals and objectives of the LAPD, specifically through conducting audits designed to test the integrity and “at-risk” behavior of officers and Department employees. Numerous officers were found to be exonerated of any alleged misconduct. Conversely other audits confirmed suspected or reported at-risk behavior, and ultimately those officers were disciplined. The Monitor noted a wide range of penalties imposed as a result of sustained complaints. Lastly, in all sting audits wherein the actions of officers were determined to be criminal in nature, the matters were referred to the DAO.

Consent Decree Compliance

Throughout the entire monitoring process, members of the monitoring team regularly met with the CO and other personnel assigned to EES.¹⁰⁴ The Monitor was regularly extended tours of its facilities, demonstrations of its equipment and apprised of any developments with the unit. The Monitor also observed a targeted audit that included the pre- and post-audit briefings.

In assessing compliance, the Monitor reviewed and relied upon EES “*Risk Evaluation Reports*,” video and audio tapes, complaint investigations, use of force investigations and undercover officer notes. In 2005, the Monitoring Team tasked with reviewing EES audits commenced placing reliance on the OIG’s review of and reporting on the EES. In general, the Monitor and OIG were in agreement on the overall implementation, execution and scope of the EES audits.

Throughout the initial five-year term of the Decree, the Monitor held the LAPD in compliance with the Consent Decree reporting provisions for the EES. In reaching this conclusion, the Monitor reviewed quarterly *Ethics Enforcement Section Quarterly Reports* and related communications to the Police Commission and OIG.

Similarly, for the entire eight-year review period, the Monitor held the LAPD largely in compliance with regard to the unit’s formation and operation. Although the Monitor did not always agree with the unit’s approach to an audit or the ultimate conclusion reached, overall, the Monitor concluded that the unit was functioning as desired and designed. However, beginning in 2007, the Monitor reported a declining number of “at-risk” behavior audits conducted by the EES. Specifically, in the Monitor’s report for the quarter ended December 31, 2008, the Monitor noted no audits were conducted for unlawful stops (including racial profiling) and few audits were conducted to evaluate searches, seizures and uses of excessive force.

¹⁰⁴ Many investigators have prior experience as IAG investigators as well as prior surveillance experience.

Recommendations

- For audits of the complaint intake process, the Monitor recommends documentation of all audit findings involving all Department employees, from the initial intake of the complaint through all supervisors responsible for documenting the complaint in logs and reports. The Monitor also recommends and encourages the EES to develop a wider array of scenarios, particularly when auditing more than one Division within the same Bureau.
- The Monitor continues to recommend that the LAPD consider assigning certain audit responsibilities, such as neglect of duty audits not specifically mandated by paragraph 97, to units other than PSB. Consideration should also be given to assigning random complaint intake audits to other Department divisions or sections.
- In designing and planning audits, EES should also consider the locales used when conducting audits designed to test misconduct, such as excessive force, unlawful searches, unlawful arrests, unlawful seizures and enforcement of immigration laws. Many times audits were staged in areas with high vehicular or pedestrian traffic, leading the Monitor to conclude that the audited officer was less likely to exhibit misconduct given the potential for witnesses in close proximity.
- When EES was initially formed, there was sufficient equipment for conducting audits; however, additional, sophisticated equipment was soon needed in order to facilitate more sophisticated and complex audits. The Monitor recommends that the Department continue to invest in additional high-tech equipment as the complexity of scenarios evolves.
- As mentioned above, the Monitor reported a recent decline in the number of “at-risk” behavior audits conducted by the EES. The Department should consider how to best use EES as a resource in conducting these types of audits, including “biased policing” audits. There may be a need to provide specialized training to EES personnel in the design, development and implementation of such audits to ensure their effectiveness.

2. Audit Division Oversight

In preparing the *March 2000 BOI Report*, the Operations work group used audits to gather information, identified where the Department had failed to maintain the resources necessary to conduct these audits on an ongoing basis, and recommended that audits be used in the future to detect other failures in the Department’s systems.¹⁰⁵ Specifically, the BOI identified that

¹⁰⁵ The BOI Report noted that “if there is one aspect that has been more discouraging than others, it is the degree to which our employees are failing to follow established Department procedures. That failure is compounded by the failure of their supervisors and managers to oversee their work.” See page 347 of the *March 2000 BOI Report*.

there had been serious erosion in the quality of and emphasis on audits and inspections over the years, and recommended that the audit systems at the Department, Bureau, Area and Divisional levels had to be significantly expanded. Additionally, the BOI identified that the current practice of allowing commands to “self-audit” rarely provided meaningful data. The BOI also identified that the Department’s Audit Guide must be updated and redistributed to all Department commands, a new Department audit schedule must be established, and these audits must be tracked and evaluated by the bureau inspection units. The BOI also recommended that the Operations bureaus and Areas should have well-trained and properly supervised full-time audit units to identify deficiencies in critical functions. The Board concluded that without a routine system of in-depth audits, the Department would be unable to ensure the quality of the employees’ work or hold their command structure accountable for the performance of their commands.

Consent Decree Solutions

The Consent Decree outlined very specific audit requirements that were drawn from the concerns identified and recommendations proposed by the BOI, including:

- The Chief of Police was required to submit to the Police Commission, with a copy to the OIG, an Annual Audit Plan listing all specified Consent Decree audits to be conducted by the LAPD in the upcoming fiscal year, other than sting audits;
- The LAPD was required to establish an audit unit with sufficient resources to allow it to develop the Annual Audit Plan, coordinate, schedule, conduct and complete timely audits as outlined in the Annual Audit Plan and additional audits as may be required by the Chief of Police;
- AD was required to serve as a resource to other LAPD units wishing to conduct an audit, and to perform periodic assessments of the quality of these other audits; and
- The Chief of Police was required to provide to the Police Commission and the OIG quarterly audit status reports that described the current status of the audits listed in the Annual Audit Plan, and any significant results.

The Consent Decree also required that the LAPD perform regular, periodic audits of numerous aspects of policing, including warrants, arrests, uses of force, stops, CIs, complaints, gang units, financial disclosure and police training.¹⁰⁶ Each audit was required to examine a variety of issues, but a common theme among them all was the requirement to assess and report on

¹⁰⁶ These audits are detailed in paragraphs 128, 129, 131, 132, 133 and 134.

compliance with other Consent Decree provisions and to identify incidents suggestive of inappropriate police behavior or a lack of supervisory oversight.

Overall Achievements of the LAPD

The Monitor believes that the LAPD has established and institutionalized a best police practice internal audit unit that will be a critical governor to ensure future self-correction by the LAPD.

After the inception of the Consent Decree, the Department formally established an audit unit (AD) on July 6, 2001. At that time there were 28 authorized positions, of which 11 were initially filled by sworn professionals and some administrative personnel. In July 2001, AD submitted its first audits. The Monitor concluded that these first audits had a flawed audit process, used inadequate samples and included questions that yielded imprecise results. These problems continued until September 2002, when the Monitor concluded that AD had significantly improved the planning, execution and reporting of its audits. The LAPD was able to accomplish these and future improvements by implementing various strategies to develop its resources and skills, including:

- Providing AD's staff with appropriate resources, including computer equipment and training in auditing and statistical methods.¹⁰⁷ AD personnel, along with personnel from the OIG and DSD, received four days of training from the Institute of Internal Auditors in 2001-02. Additionally, sworn members of AD began obtaining professional audit designations.¹⁰⁸
- Hiring civilian staff with auditing, accounting and statistical experience, as recommended by the Monitor.¹⁰⁹ This allowed AD to develop a multidisciplinary team that combined civilian auditors who had auditing backgrounds with sworn officers who had policing backgrounds.
- Implementing improvements to the audit process including: clarifying the audit matrix questions used, developing reference materials that better defined critical areas being assessed, developing work papers for tracking and reporting audit results, developing a process for reviewing completed audit work at various stages during the audits, ensuring the audits included recommendations for the Department to review and implement, and developing a management process for reporting back to the various LAPD Areas being audited.

¹⁰⁷ The Monitor recommended in February 2002 that AD contact the Institute of Internal Auditors to obtain information about audit training courses.

¹⁰⁸ The Captain and one of the Lieutenants in AD were the first to obtain their Certified Government Auditing Professional (CGAP) certifications from the Institute of Internal Auditors in 2003.

¹⁰⁹ The first civilian auditor joined AD in November 2002.

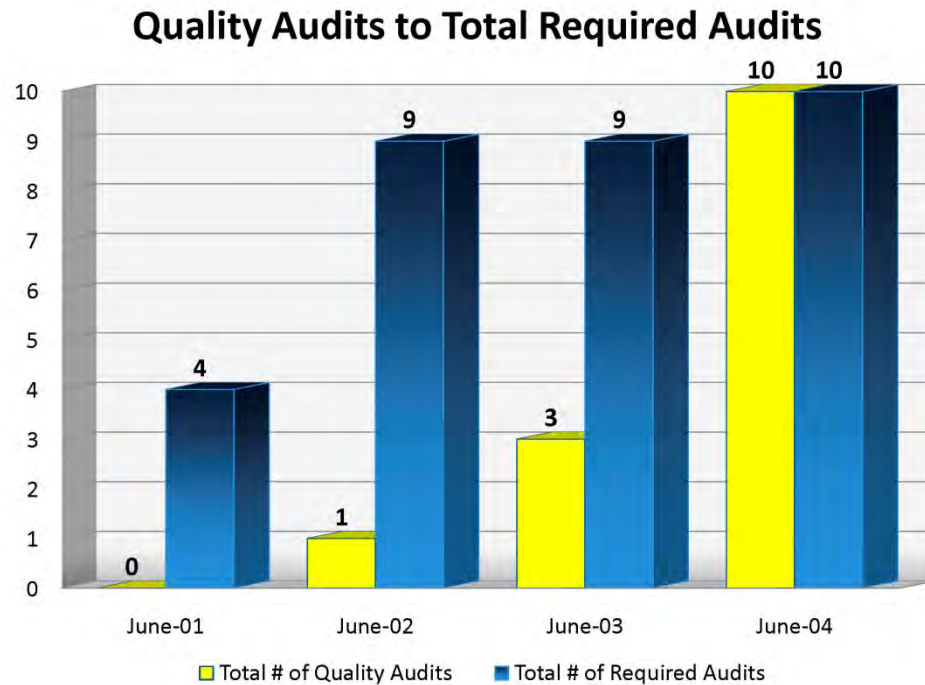
During 2003, the Monitor concluded that AD's audit process was continuing to improve, as many of the audits that were previously outstanding were completed and some audits met the qualitative requirements. In December 2003, AD assumed responsibility for the gang-related audits as recommended by the Monitor in 2002 because AD's processes were better than the DSD's/DOSD's, and because many DSD/DOSD audits were either not completed or were below an acceptable standard.¹¹⁰

By June 2004, AD was submitting audits on a timely basis, each of which was a quality audit.¹¹¹ The Monitor also found that the gang audits completed by AD were quality audits, but could not conclude they were in compliance as the Consent Decree required the gang audits to be completed by DOSD. Thus, the Monitor concluded that each of the paragraph 128, 129 and 131 audits submitted to June 2004 were quality audits.

The above improvements resulted in an increase in the number of quality audits from 2001 to 2004, as reflected in the chart below:

¹¹⁰ This change was formalized by the court with modifications to the Consent Decree on June 2, 2005.

¹¹¹ Despite the significant improvements between 2001 and 2004, the Monitor identified some deficiencies, as a few audits due in 2003 were not completed on a timely basis; AD did not provide the support necessary for the Department to complete a quality paragraph 113 audit, resulting in excess Department time and resources used to complete the audit; and AD did not complete the quarterly status reports for the Police Commission. Consequently, although each of AD's audits was a quality audit, the Monitor did not conclude compliance on paragraph 124.



In light of the improvements in the timeliness and quality of AD's audits and the reliability of the audit results, commencing in September 2004, for certain audits produced by AD for which the scope of an AD audit directly addressed the requirements of a given Consent Decree paragraph, the Monitor elected to evaluate AD's audit work and findings and, if appropriate, rely on such findings in assessing compliance with that paragraph.¹¹² Instances of such reliance upon AD's results were clearly indicated in the Monitor's reports.

In addition to completing timely, quality audits, AD took other steps to enhance its professional approach, reputation within the LAPD and other police services, and its effect on the Department, including:

- Offering a four-day Police Performance Auditing Course, starting in September 2004. This program, which is one of the leading police performance auditing courses in the United States, has been offered on a quarterly basis since then.¹¹³ It has been attended by 414

¹¹² This is consistent with paragraph 162 of the Consent Decree, which states, "In performing its obligations as required by the Consent Decree, the Monitor shall, where appropriate, utilize audits conducted by the LAPD for this purpose."

¹¹³ The Police Performance Audit program was certified by the California Commission on Peace Officer Standards & Training and by the Michigan Commission on Law Enforcement Standards in late 2004/early 2005. It covers auditing standards, audit work plans, interviews, audit fieldwork and analysis, report writing and the review process. This

LAPD employees and 251 employees from 42 other law enforcement agencies throughout the United States and Canada. AD also developed and offered an Intermediate Law Enforcement Auditing Course in 2007.

- Performing additional non-Consent Decree audits of gang units, CAPAs, the results of which are reported to the Police Commission. These audits review the practices of specific gang units on a quarterly basis and support the gang audit requirements of subparagraph 131a. The first CAPAs were completed in October 2004 and several have been completed on a quarterly basis since then.
- Formalizing its standards by developing an Audit Charter. This Audit Charter outlines AD's role, the requirement for independence, the goal of complying with Generally Accepted Government Auditing Standards (GAGAS), AD's access to records, and the scope of audits. It was originally approved by the Police Commission in January 2006 and was updated and re-approved in October 2007.
- Developing an Audit Protocol that set the standards for LAPD's audits, which was approved in April 2006. The protocol outlines the requirements for audit staffing, audit team member responsibilities and the audit process. It also includes direction on how AD conducts audits and covers topics such as audit planning, population identification and sampling methods, data collection and audit reporting.
- Participating as founding members of the International Law Enforcement Auditor's Association (ILEAA) and coordinating the first ILEAA conference in August 2007.
- Supporting its sworn and civilian professionals in their efforts to continue their training and improve their audit expertise.¹¹⁴ Additionally, since March 2007, AD's professionals, through the Association of Local Government Auditors (ALGA), participated in peer reviews of the audit quality control systems for the City of Phoenix, City of Dallas and the City of Richmond, Virginia. AD is preparing to have a peer review of its audit quality control system by a team from ALGA.

course has been attended by 414 LAPD employees and 251 employees from 42 other law enforcement agencies throughout the United States and Canada.

¹¹⁴ As of April 2009, 24 current employees of Audit Division held 41 certifications as a Certified Fraud Examiner (CFE), Certified Internal Auditor (CIA), Certified Public Accountant (CPA), Certified Governmental Auditing Professional (CGAP), Certified Fraud Specialist (CFS), Certified Government Financial Manager (CGFM), Certified Law Enforcement Auditor (CLEA), Certified Information Systems Auditor (CISA) and/or Certified Financial Crimes Investigator (CFCI).

- Responding to requests by other departments within the City Group and other external city agencies to conduct audits and provide consulting services.¹¹⁵ Additionally, representatives from other Police Departments have met with senior management of AD to gain insights regarding how to establish an audit division and how to successfully complete an audit.

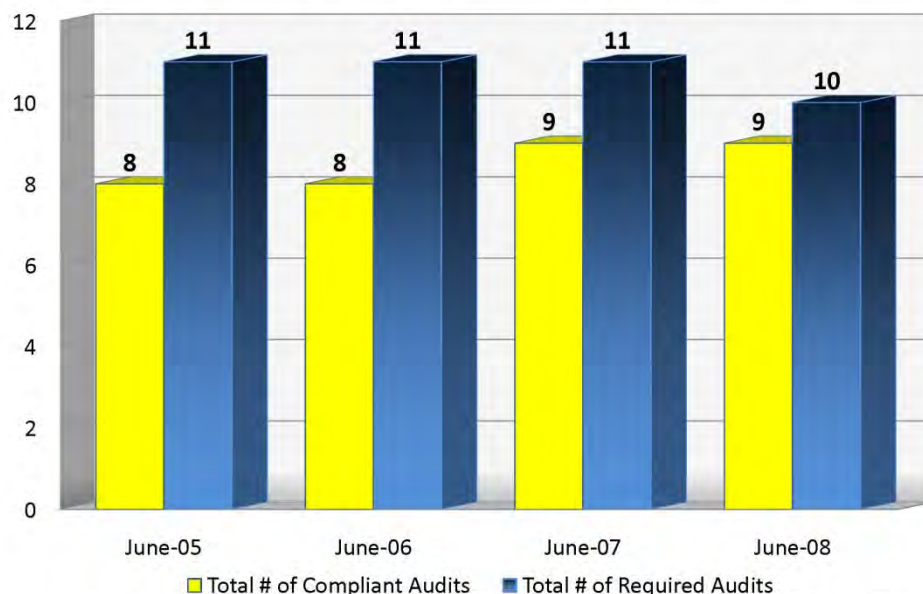
The Monitor provided varying degrees of input into these developments.

Despite the significant progress made by AD up to June 2004, during the next two years, the percentage of compliant audits decreased, as only eight of the required 11 audits were timely quality audits.¹¹⁶ Although a determination of compliance was withheld with regard to one of the audits in each period, two audits in each year were found in non-compliance for a variety of reasons, including changes in how AD approached the audit, changes in Department policy resulting in greater interpretational concerns, and the Monitor's identification of new areas of concern that were not previously identified. As a result, although most of the audits were compliant, the overall number of compliant audits to total audits completed decreased in 2005 and 2006 as shown in the chart below.

¹¹⁵ In July 2007, audit personnel from Fiscal Operations Division were reassigned to AD to form a new team designated as the "Fiscal Audit Section." This team is lead by a Police Performance Auditor from AD. Additionally, AD was requested to conduct an audit that reviewed the policies and procedures for the Arson Unit of the Los Angeles Fire Department. This report was presented to the City of Los Angeles Board of Fire Commissioners in April 2009.

¹¹⁶ The audits that were not found to be in compliance by June 2005 were AD's *Confidential Informants Control Packages Audit* and *Complaint Form 1.28 Investigations Audit*. The Monitor withheld a determination of compliance on AD's *CUOF Investigations Audit*. The audits that were non-compliant by June 2006 were AD's *Warrant Applications and Supporting Affidavits Audit* and AD's *Complaint Form 1.28 Investigations Audit*. The Monitor withheld a determination of compliance for AD's *GED Work Product Assessment Summary*.

Compliant Audits to Total Required Audits



A determination of compliance was withheld for one audit in each of 2005 and 2006.

Notwithstanding that a few audits were non-compliant in 2005 and 2006, by June 2006 AD issued a total of 30 quality Consent Decree audits of which 26 had been submitted in the past three years (of the 32 total required audits). As many of the audits were in compliance for two years, the Monitor concluded that the Department had achieved substantial compliance with the pertinent paragraphs. The Monitor then revised its methodology for those areas/audits that were in substantial compliance for two consecutive years prior to the June 2006 extension. For some of these audits, the Monitor revised its methodology to perform a general review of the quality of the audit to gain assurance that the underlying areas being audited did not require active monitoring and that the quality of the audit had been maintained; for other audits, the amount of testing was reduced. For those audits that had not achieved substantial compliance, the Monitor continued with a full review of the audit report and associated documents.

Between June 2006 and June 2008, the audits that had been found in substantial compliance by June 2006 remained in substantial compliance. Additionally, by June 2008, the Monitor concluded that AD had achieved substantial compliance with three additional audit-related subparagraphs. To date, but for subparagraph 131a, AD has achieved substantial compliance with each of the Consent Decree paragraphs that require AD to conduct an audit. At the same time, AD has met all other requirements, including preparing annual audit plans and quarterly status reports for the Chief to provide to the Police Commission, and has acted as a resource to CRID and other departments to assist them in reviewing their processes and inspections so that the Department can achieve compliance. Furthermore, AD has acted as a resource for other

police departments on how to establish an audit unit. Based on these accomplishments, AD had led the way in how performance audits should be conducted.¹¹⁷

Consent Decree Compliance

As described in the preceding section, the LAPD's AD achieved significant professional growth as an audit team over the past eight years. This development, which has had far-reaching effects throughout the Department, is reflected in the number of audits that were found in compliance as shown in the charts above. While AD's overall progress towards issuing compliant audits varied depending upon the type of audit, the audits generally fell into one of the following three categories:

- Audits conducted pursuant to paragraphs with which substantial compliance was achieved by June 2006 and limited reviews or reduced monitoring was conducted thereafter;
- Audits conducted pursuant to paragraphs with which substantial compliance was not achieved by June 2006 or which had other risks and required continued active monitoring; and
- Audits that have not yet been completed, as LAPD policy has not been developed, or which were one-time audits.

This next section describes AD's progress with the audits in each of these three categories.

Audits That Were Substantially Compliant by June 2006

There were five audits that the Monitor concluded were substantially compliant by June 2006: the *ABC Reports Audit*, *NCUOF Reports Audit*, *CUOF Systems Audit*, *Complaint Form 1.28 Systems Audit* and *GED Selection Criteria Audit*. The Monitor concluded that the first two of these audits could be subsequently monitored during the extension of the Consent Decree using a limited review of AD's audit methodology, while the other three could be subsequently monitored using smaller sample sizes than were used by the Monitor in its testing to June 2006.

Substantially Compliant Audits Monitored With Limited Reviews of AD's Audit Methodology

AD first achieved full compliance with the Department-wide and gang-related requirements relative to its *ABC Reports Audits* and its *NCUOF Reports Audits* in 2004 and 2005. Since these audits were found in compliance for two consecutive years, the Monitor concluded in June 2006

¹¹⁷ AD's significant development over the past eight years has also been recognized by the American Society for Public Administration, Los Angeles Metro Chapter, as it awarded AD with the Henry Reining Outstanding Organization Award on May 15, 2008.

that the Department was in substantial compliance with the required subparagraphs. The Monitor further determined that subsequent audits of these topics required only limited reviews of the audit methodology during the extension of the CD, rather than active monitoring. The purpose of the Monitor's limited reviews was to determine if AD used the same methodology as it had in prior compliant audits. The limited reviews consisted of comparing the current audit report, work plan, audit matrices and population documentation with the prior year's audit report, work plan, audit matrices and population documentation to determine if any change in methodology or findings warranted further review.

In each of the three years of the extension of the Consent Decree, the Monitor's limited review of audits did not identify any concerns that suggested these audits were not of the same quality as prior compliant audits. As a result, the Monitor concluded that the Department remained in substantial compliance with these paragraphs.

Substantially Compliant Audits Monitored Using Reduced Testing

In order to meet the Consent Decree requirements relative to the *CUOF Audit* and the *Complaint Form 1.28 Audit*, in June 2004 and December 2005, respectively, AD began splitting these audits into two reports: an interim audit report that covered those paragraphs that largely address specific process issues and a final audit report that assessed the quality of the CUOF investigations or the Complaint Form 1.28 investigations. By June 2006, AD's *CUOF Systems Audit* was found in compliance three times¹¹⁸ and its *Complaint Form 1.28 Systems Audit* was found in compliance twice.¹¹⁹

The Monitor concluded that AD's subparagraph 131b *GED Selection Criteria Audit* was a compliant audit for the first time in December 2004 and then again in September 2005.

While each of these audits was in compliance for two consecutive years by June 2006, the Monitor concluded that it needed to monitor the audit methodology, as well as a sample of the topics tested in these audits, as these audits either reviewed paragraphs that were not in compliance or reviewed higher risk areas. Although the Monitor was confident that the audits would remain substantially compliant, to ensure this was the case, the Monitor completed a review of the report, audit work plan, audit matrices and population documentation as it did for the limited reviews and then conducted additional testing by selecting a sample of items to review AD's conclusions in relation to each item in the sample. The Monitor reduced its sample size from reviews of prior audits by using a one-tailed test and an error factor of +/-7% rather

¹¹⁸ The Monitor assessed compliance in September 2004, June 2005 and June 2006.

¹¹⁹ The Monitor concluded that these were compliant audits in March 2005 and March 2006. The Monitor also concluded in June 2004 that AD's *Complaint Form 1.28 Audit*, which assessed both the systems and the quality of the investigations, was also compliant.

than using an error factor of +/-4%. This significantly reduced the size of the Monitor's samples from those used in prior reviews of these audits.

Based on the Monitor's reviews of these audits during the extension, the Monitor concluded that the Department remained in substantial compliance with these subparagraphs.

Audits That Were Not Substantially Compliant by June 2006 or Audits with Other Risks

There were four audits that the Monitor concluded were not substantially compliant by June 2006 and one audit which had other risks associated with it. The four audits which had not achieved substantial compliance consisted of AD's *Warrant Applications and Supporting Affidavits Audit*, *Confidential Informant Control Packages Audit*, *Categorical Use of Force Investigations Audit* and the *Complaint Form 1.28 Investigations Audit*. The Monitor concluded in June 2006, that although AD's *Motor Vehicle and Pedestrian Stops Audit* had achieved substantial compliance, there were other risks associated with this audit; accordingly, the Monitor concluded that this audit should continue to be actively monitored.

Warrant Applications and Supporting Affidavits Audit

AD's July 2002 *Warrant Applications and Supporting Affidavits Audit* was the first audit report issued by the LAPD that the Monitor concluded was a compliant audit. Although another *Warrant Applications and Supporting Affidavits Audit* was not issued until March 2004, the Monitor found this audit and the subsequent audit issued in February 2005 in compliance. However, the Monitor concluded that the February 2006 *Warrants Application and Supporting Affidavits Audit* was not in compliance, as the Monitor identified numerous instances of non-compliance within the packages that were not identified by AD. Consequently, the Monitor could not conclude that the Department was in substantial compliance by June 2006, and the Monitor continued to actively review subsequent audits.

The Monitor concluded that AD's December 2006 *Warrant Applications and Supporting Affidavits Audit* was non-compliant, as it contained numerous anomalies within the individual warrants, as well as packages in which the COs' analyses or the supervisors' debriefing summaries were insufficient. In its next two reviews, the Monitor concluded that AD's December 2007 and 2008 *Warrant Applications and Supporting Affidavits Audits* were compliant notwithstanding some concerns identified regarding supervisory oversight.¹²⁰ While these concerns would not have changed AD's overall conclusions, in light of the concerns expressed by the BOI regarding supervisory oversight, the Monitor recommends that AD continues to ensure in its assessment of supervisory oversight that the comments in the supervisor's debrief, CO's analysis and the comment card are specific to the search warrant and the supervisor in charge

¹²⁰ Although AD had appropriately concluded the Department was not compliant with supervisory oversight, in some packages the Monitor identified other concerns in relation to the quality of the supervisors' debrief summaries and a lack of specificity in relation to the commanding officer's analysis and comment cards.

of the warrant and that they address the Department's policy requirements. Since this audit has been in compliance for two years in a row, the Department is now in substantial compliance.

Motor Vehicle and Pedestrian Stops Audit

The Monitor found AD's 2005 and early 2006 *Motor Vehicle and Pedestrian Stops Audits* in full compliance with the requirements of the Consent Decree to review the general population of stops and gang officers' stops. As a result, the Department achieved substantial compliance with the relevant subparagraphs by June 2006. However, since the Department was reviewing how the stops data were collected and whether or not the data could be used to assess if this Department's officers were racially profiling, the Monitor concluded that subsequent *MV&PS Audits* should continue to be actively monitored.

AD's first audit of this topic issued during the extension, the December 2006 *MV&PS Audit*, was in compliance with the requirements relating to Department-wide stops, but the Monitor withheld a determination of compliance in relation to the gang officers' stops, as AD's findings were based on a review of only one GED officer. AD did not submit a subsequent *MV&PS Audit* in December 2007 or December 2008 as the Department was changing how it collected the data needed to complete this audit. Going forward, once the Department has finalized the procedures for collecting data related to motor vehicle and pedestrian stops, AD will need to review the procedures and design an audit to test if they are being followed.

Confidential Informant Control Package Audit

The Monitor concluded that AD's June 2003 and June 2004 *Confidential Informant Control Packages Audits* were compliant audits. However, AD's June 2005 *Confidential Informant Control Packages Audit* was not in compliance, as the Monitor disagreed with how AD assessed and reported compliance for several substantive paragraphs, and AD did not identify various anomalies within individual CI packages. Consequently, the Department had not achieved substantial compliance with the required subparagraphs by June 2006, and the Monitor continued to actively review subsequent audits during the extension. The Monitor determined that AD's June 2006 and September 2007 *Confidential Informant Control Packages Audits* were in compliance; as a result, the Department achieved substantial compliance and the Monitor conducted a limited review of this audit in September 2008, concluding that the Department continued to be in compliance.

CUOF Investigations Audit and Complaint Form 1.29 Investigations Audit

The Monitor found AD's 2004 *CUOF Investigations Audit* and its 2004 *Complaint Form 1.28 Investigations Audit* compliant, but these were the only audits of these topics that were compliant through June 2006. Other audits of these topics prior to this date were non-compliant for a variety of reasons, including incomplete scope and issues that were not

identified by AD. Consequently, by June 2006, the Department was not in substantial compliance with the Consent Decree paragraphs requiring these investigative audits.

The Monitor found AD's *CUOF Investigations Audit* in compliance in September 2006 and 2007 and, as a result, conducted only a limited review of the subsequent audit in September 2008. The Monitor found AD's *Complaint Investigations Audit* in compliance in June 2007 and June 2008. As a result, the Department achieved substantial compliance with the Decree requirements relative to these audits.

GED Work Product Assessment Summary

In September 2003, December 2003 and March 2004, the Monitor found AD's *GED Work Product Assessment Summaries* were quality audits, but could not conclude they were compliant audits because they were conducted by AD rather than DOSD, contrary to the requirements of the Consent Decree. The Monitor concluded that AD's June 2004 audit was compliant after it was determined that the Court would approve a change in the Consent Decree to allow such audits to be completed by AD. In each of these four audits, AD assessed four or five GED units at a time.¹²¹

Subsequent to this, AD changed its approach to this audit by using its CAPAs as the primary source of information for these audits, which reviewed one or two Areas' gang officers' work product each quarter. Although the Monitor generally agreed that AD could use its CAPAs for its *GED Work Product Assessment Summary*, the Monitor identified a number of concerns and weaknesses with AD's approach since 2004. During this period, the Monitor, AD and the OIG met on numerous occasions to discuss the intent of the pertinent Consent Decree requirements and the findings that should be included in audits conducted pursuant to them. While AD made significant progress with this audit, there were two Areas about which the Monitor and AD were unable to agree, primarily relating to what information needs to be included and analyzed in this audit.¹²² As a result, the Monitor found the Department in non-compliance with Consent Decree requirements relative to this audit in December 2005, March 2008 and December 2008 and withheld a determination of compliance between December 2005 and December 2007 either because AD was going to submit a second phase of the report or was due to issue a new report with new methodologies.

In its quarterly reports, in light of the inconsistencies in AD's approach to this audit, the Monitor has provided the following guidance regarding the basic requirements for the *GED Work Product Assessment Summary*:

¹²¹ At that time, the Monitor understood that AD would be submitting a summary report that pulled the results of each of these quarterly reports together, as well as assess other requirements of paragraph 131a.

¹²² AD believes this disagreement is due to philosophical differences regarding what this Consent Decree paragraph requires.

- This audit must assess and report on the work product of all gang units, including an analysis of trends or patterns among officers, supervisors and/or areas whose work product appears to contain indicia of untruthfulness or other forms of misconduct, including breaches of the law, LAPD policies and procedures or the Consent Decree, or whose work product otherwise merits further review;
- This audit must assess and report on the work product of the BGCs, specifically their subparagraph 106h inspections; and
- This audit must assess and report on the findings from any paragraph 128 audits or BGC inspections that appear to contain indicia of untruthfulness or other forms of misconduct by any GED units or individuals.

Although the *GED Work Product Assessment Summaries* conducted over the past four years have addressed one or more of these requirements, they have not addressed all of these requirements at the same time.

Other Audit Paragraphs

Audit of Police Officer Training

The Consent Decree required the Department to conduct audits within 18 months of the effective date of the Consent Decree of police officer and supervisor officer training, using independent consultants to determine how the LAPD training could be improved to reduce incidents of excessive use of force, false arrests and illegal searches and seizures and make greater use of community-oriented policing training modes that take into account factors such as cultural diversity.

The Department hired RAND as the independent consultant to complete the training audit. After evaluating RAND's review, the Monitor concluded that RAND's report was not specific enough to the LAPD, despite comments from both the Monitor and the LAPD. However, subsequent to this, the Monitor worked with the LAPD to define the training requirements and found the LAPD in compliance with Consent Decree requirements in December 2004.

Audit of Skeletal Fractures

The Consent Decree required the Department to conduct audits within 18 months of the effective date of the Consent Decree of all uses of force resulting in skeletal fractures known to the LAPD, including the frequency of occurrence of skeletal fractures, medical care provided and quality, thoroughness, disposition and timeliness of the chain of command investigation and review of uses of force resulting in fractures.

The Monitor initially found the Department's *UOF-Skeletal Fractures Audit* non-compliant in March 2003, as it did not address many of the criteria required by the Consent Decree. The

Monitor next reviewed compliance with this paragraph in March 2005 in connection with a request by the DOJ that the Monitor perform an additional review to determine if skeletal fractures that occurred as a result of a NCUOF were subjected to sufficient oversight by the Department. The Monitor withheld its determination of compliance due to the small number of incidents that occurred after the issuance of Special Order No. 13, *Non-Categorical UOF Reporting – Revised*, which prevented the Monitor from determining if the investigations met the intent of paragraph 134. Subsequently, the City and the DOJ requested that the Monitor determine whether the intent of this paragraph and its one-time audit requirement had been met. In September 2005, the Monitor concluded that the intent of this paragraph was to determine whether sufficient scrutiny was provided by the Department of uses of force involving skeletal fractures. The Monitor concluded that with the introduction of Special Order No. 13 and the higher level of scrutiny it requires, the intent of this paragraph was met.¹²³

Audit of Financial Disclosure

As described in section 5, below, the Financial Disclosure Audit was not completed and financial disclosure is subject to the Transition Agreement.

Recommendations

The Monitor commends AD for all of its accomplishments over the past eight years. AD's highly professional audit team has not only worked to make the LAPD a better department through its audits, training and reviews, it has also assisted numerous other police agencies and community organizations to develop their own audit resources. While the Monitor is confident that AD has the processes and the people in place to ensure that it will continue to maintain the quality of its audits going forward, AD will be facing new challenges when the Department is no longer under the Consent Decree. As it faces these challenges, AD will need to address a number of significant areas as it transitions to conducting audits required by the Department. These issues include reviewing its audit standards, the standards it uses to evaluate LAPD's policing practices, revisiting its audit plan, maintaining an independent mindset and addressing any potential conflicts that may arise as a result of combining AD with the Inspections group.

Standards Used to Conduct the Audits

AD has indicated in its audit reports that it has been using Generally Accepted Government Auditing Standards (GAGAS) since January 2007.¹²⁴ Additionally, as described earlier in this

¹²³ In September 2005, the Monitor introduced a new report card category "Compliance with Intent," which was utilized in situations where the Consent Decree requires a one-time effort that upon initial review did not meet the requirements, but has since been found to meet the functional intent of the paragraph.

¹²⁴ The Monitor's reviews did not address whether AD conformed to GAGAS, as the Monitor's reviews were confined to assessing whether the audits complied with Consent Decree requirements.

report, AD developed an Audit Charter and Audit Protocol which codifies AD's role within the Department, its overall audit standards, documentation access, staff requirements and responsibilities.

During the past eight years, the Consent Decree mandated that AD complete its audits in accordance with the specific requirements of paragraphs 128, 129 and 131 of the Consent Decree. AD therefore used these requirements to define the framework for its audit objectives. AD may wish to continue to use this framework for its audit objectives in future audits. Either way, AD should codify the specific standards that it intends to follow in the conduct of its audits, ideally within their Audit Protocol. In this way, its audits will be governed by GAGAS, by its Audit Protocol and by its Audit Charter, which will form the framework by which AD conducts its audits and will help to ensure that AD continues to issue quality audit reports that assess whether or not the Department is compliant with its policies and procedures.

Standards Used to Evaluate the LAPD's Policing Practices

The framework for AD's audits to date has been based primarily on an evaluation of the LAPD's policing practices compared to the standards described in the Consent Decree and further clarified by the Department's policies. In other words, the Consent Decree represented "the standard" for AD's Consent Decree-mandated audits. Although AD has referred to the Department's policies and procedures in its audits, historically it has generally reported a breach in policy as an "Other Related Matter" rather than as a compliance issue.

When the Department is no longer governed by the Consent Decree, the Department's policies and procedures will represent "the standard." As AD makes this shift in its audits, AD will need to update its audit matrix questions and compliance reporting structure so that it evaluates the Department's policing practices based on the LAPD's policies and procedures.¹²⁵ In this way, AD's audits will address the BOI's recommendation that audits be conducted to determine whether the Department is following established policies and procedures. Furthermore, as AD will now have a choice as to what parts of a policy will be tested in its audit objectives, the Monitor recommends that if AD elects to not test certain parts of a policy,¹²⁶ this information

¹²⁵ AD could continue to use the Consent Decree as the standard for any topics that are not fully addressed in a policy.

¹²⁶ In some cases, in particular with AD's *Warrants Application and Supporting Affidavits Audit*, the Monitor identified areas within the policy that AD does not test, as it does not believe there are risks associated with these areas. For example, whether the supervisor's debrief is prepared within 24 hours of the search warrant service and whether the warrant tracking log contains all the information required by policy.

should be included in the audit report so that management is aware of this fact and can assess the implications.¹²⁷

Audit Plan

Currently AD plans to continue with the same audits that were required by the Consent Decree, as well as the CAPAs, through to June 2011. During this period, AD should assess if it is appropriate to continue with these same audits or if there are other audits that should be considered. In conducting this assessment, the Monitor suggests that AD look at various risk-based models to decide which audits to conduct. Some of the factors that AD may want to consider include:

- Are there audits in which the Department is fully compliant with the requirements tested and which AD could consider reducing the frequency of the audits, e.g., every second year rather than every year?
- Should AD focus on other areas of risk that may be identified in other audits, through complaints (either from the public or within the Department), or through other activities of the LAPD that are identified by the Department, the OIG, the Police Commission, the City or the public?
- Are there other entities, including the inspections area, that review related topics that provide additional oversight, which may allow AD to divert its resources to areas that do not receive additional review?
- Can AD provide insight into other areas, as recommended in this report, that AD has not previously reviewed, e.g., the LAPD performance appraisal process?
- Can AD make further use of TEAMS II in its audits?

Independent Mindset

One of the greatest challenges for any audit team is that it continues to remain independent and skeptical in thought and action. To ensure AD maintains an independent mindset when conducting its audits, AD has introduced a robust analysis that covers different points of view. Since AD must serve as an independent body that will test whether the Department is complying with its own policies, it is particularly important for AD personnel to continue to remain skeptical and challenge reasons for substandard actions by Department personnel.

¹²⁷ While AD's risk assessment may result in a decision by AD to only audit higher risk areas, AD should clearly describe the scope of their audits and should inform management regarding those sections of the policies that are not being tested. Currently, AD only defines the parts of the policy that are tested.

AD's Structure

AD is now operating under a new structure, having merged with the inspections area into one combined division. There are advantages to this arrangement, as all audits and inspections are to be coordinated out of one division, allowing for standardization and consistency and the elimination of duplicate audits/inspections; however, the structure may also produce conflicts if AD is tasked with assessing the inspections, as is the case with the BGC Inspections. The Department will need to address this apparent conflict. The Department will also need to ensure that AD remains independent of investigative bodies such as FID and IAG so that it can continue to evaluate the work of these divisions.

Given the success of AD during the past eight years, the Monitor is confident that it will appropriately address these challenges going forward.

3. Inspector General Reviews and Audits

The BOI concluded that the IAG, the IG, Department staff and command officers share responsibility to monitor and detect corruption within the LAPD. The BOI also concluded that the OIG should be provided sufficient staff to augment and support IAG's risk management monitoring efforts. Lastly, the BOI noted that the IG's role in the review of OIS cases needed to be defined and this role may include periodic audits of the process of investigating an OIS.

Consent Decree Solutions

The Consent Decree addressed the responsibilities of the OIG in a number of areas, with a particular emphasis on the requirement to review and conduct various audits. It required the Department to provide to the IG copies of various audits required under the Decree,¹²⁸ so that the IG could review and evaluate each audit's quality, completeness and findings, and provide its evaluation of the audit to the Police Commission. In addition, the OIG was required to conduct its own audits of CUOF, NCUOF and Complaint Form 1.28 investigations.

In relation to TEAMS, the Consent Decree required the OIG to audit the quality and timeliness of the LAPD's use of TEAMS II to perform specific tasks required by the Consent Decree. It also required the OIG to periodically use TEAMS II to conduct audits of the LAPD and to review LAPD

¹²⁸ This included all reports of specified audits prepared by the LAPD (which included those audits required under paragraphs 128, 129, 131, 132, 136, 137 and 138) and audits prepared in compliance with paragraphs 111, 113, 125, 126, 133 and 134. The IG was also authorized to request a copy of any other LAPD audit and evaluate it, at its discretion or at the direction of the Police Commission.

unit-specific and officer-specific audits,¹²⁹ as well as examine or identify at-risk practices as determined by trends within a unit or between and among units using the same criteria.

The Decree also required that the OIG be notified in a timely manner of all CUOF, and authorized OIG personnel to be present as an observer on CUOF roll-outs and at any UOFRB meeting.

Lastly, the Consent Decree required the OIG to receive, record and track complaints from LAPD employees alleging retaliation for reporting possible misconduct or at-risk behavior.

Overall Achievements of the OIG

At the commencement of the Consent Decree, the OIG was a marginalized and thus ineffective operation that had little relevancy to how the LAPD performed. Today, the OIG is a respected partner in reform.

As the term of the Consent Decree began, the OIG set out to develop the policies and protocols that would enable it to fulfill its mandate to review UOF and complaint investigations.¹³⁰ However, during the first two years of the Consent Decree, the OIG struggled with the requirements to review the Department's audits and conduct its own audits. As a result, the Monitor concluded that the OIG did not meet the requirements of the Consent Decree. In making this conclusion, the Monitor noted numerous issues: the OIG's audit samples were selected independently from the audit samples used by AD; the OIG's conclusions that the Department's audits were "generally thorough and complete" or "adequately addressed the issues set forth in the Consent Decree" were not supported or were inconsistent with findings in its reports; the OIG did not identify numerous deficiencies in the Department's audit reports, nor did it perform any population completeness tests; and, lastly, the OIG did not complete its reviews of the Department's audits and its own reviews of CUOF and NCUOF incidents and complaints on a timely basis.

By December 2003, although the OIG had achieved compliance with certain Consent Decree paragraphs related to its reviews of the Department's audits, resource constraints caused the OIG to be several months behind in its evaluations of many audits submitted by the Department, and more than a year behind in completing its own independent audits. This

¹²⁹ These audits are to review officers demonstrating at-risk behavior as determined by their history of administrative investigations, (ii) misconduct complaints, (iii) discipline, (iv) uses of lethal and non-lethal force, (v) criminal or civil charges or lawsuits, (vi) searches and seizures, (vii) racial bias, (viii) improper arrests, or (ix) any other matter requested by the Police Commission or, subject to Charter section 573, any other improper conduct or at-risk behavior the IG has reason to believe exists.

¹³⁰ The OIG's Use of Force section developed a protocol on rollouts to UOF incidents. The LAPD also produced Special Order No. 17, which requires IAG to provide the IG with all complaint intake information.

pattern continued through to September 2004, when the Monitor expressed concern that the OIG had not yet effectively performed some of its mandated functions and questioned the OIG's ability to effectively oversee the LAPD given its inadequate resources.

In response to the issues raised by the Monitor, starting in 2004, the OIG began to develop tools to assist its staff in reviewing the Department's audits, conducting their own audits, and reviewing use of force investigations and complaint investigations. These tools consisted of matrices with questions that guided the auditor/reviewer through the documents they were looking at and a manual for conducting reviews, which was issued in the spring of 2005. In addition, in late 2004, the OIG commenced a reorganization of its entire office. This process involved converting existing "Management Analyst" positions into "Special Investigators" and "Police Performance Auditors," and recruiting candidates with the necessary legal, auditing and/or policy backgrounds to directly address the expertise issues that were preventing the OIG from achieving compliance in each area of oversight. Once an appropriate team of professionals was in place, the OIG developed a plan to approach the required reviews. For the OIG's audit team, this involved first issuing timely quality reviews of LAPD audits, and then addressing the requirements for completing its own reviews of NCUOF incidents and complaints. At the same time, the OIG's Use of Force section implemented the use of a matrix in conducting reviews of UOF incidents.

During the same period that the OIG was developing its resources and restructuring its team, the OIG worked in conjunction with the Monitor and the DOJ to change paragraph 136 to require the OIG to review rather than audit CUOF incidents, NCUOF incidents and complaints. Additionally, the focus of these reviews was changed to provide the OIG with more latitude in what the reviews would consider.

With the implementation of the changes described above, the OIG's compliance levels improved dramatically. The OIG achieved compliance with both the timeliness and quality criteria of its requirement to review the Department's audits in September 2005. After this, the OIG made significant strides in 2005 and 2006 in successfully implementing its role, and completed 16 timely reviews of the audits completed by AD and the EES. Additionally, the OIG conducted its first compliant reviews of complaints and CUOF and NCUOF incidents starting in March 2006 and June 2006. Each of these reviews and audits provided insightful comments, conclusions and recommendations to the Police Commission. By June 2006, the Monitor concluded that the OIG had developed a professional audit team that included police performance auditors and special investigators with the expertise to ensure that the OIG meets its mandate.

By June 2007, the OIG had completed a total of 30 quality reviews of Department audits. The OIG also continued to conduct quality reviews of CUOF, NCUOF and complaints. By July 2008, as a result of the number of compliant reviews, the Monitor concluded that the OIG had achieved substantial compliance with pertinent Consent Decree requirements and elected to conduct only limited reviews of selected OIG reports to ensure that the Department's compliance was maintained during the remainder of the extension period.

Consent Decree Compliance

As described above, the OIG's transition to a team that consistently produced quality reviews and audits was achieved through a number of major initiatives and the development of a plan to address problems identified by the Monitor and to achieve compliance with Consent Decree requirements. This plan was implemented in various stages, starting first with its review of the Department's audits, then with the requirement to conduct its own reviews of UOF and complaints, and, lastly, once TEAMS II was implemented, with the requirements for the OIG to review the Department's use of TEAMS II and to use TEAMS II to conduct audits of the LAPD or to review LAPD unit-specific and officer-specific audits conducted by the LAPD.

Requirement to Provide Timely Reviews of AD's and the EES' Audits

The Monitor concluded that the OIG's review of the Department's audits was in compliance for the first time in December 2002.¹³¹ Although compliance was achieved based on the quality of the reviews conducted, the OIG did not submit quality reviews on a timely basis until June 2005. Subsequent to September 2005, although there were a few quarters in which the OIG did not submit its review on a timely basis, the Monitor consistently found that the OIG's reviews were quality reviews. From June 2006 onwards, the OIG submitted timely quality reviews of audits conducted by both AD and the EES.

Requirement for the OIG to Conduct Reviews of Complaints and CUOF and NCUOF Incidents

As indicated above, the OIG completed its first compliant review of complaint investigations in March 2006. This occurred after the OIG implemented its restructuring strategy described in the preceding section. In June 2006, the OIG submitted a quality NCUOF review and the OIG's reviews of each CUOF incident, which were provided to the Police Commission, were determined to be quality reviews. Since that time, the Monitor concurred with most of the OIG's findings and concluded that the OIG continued to submit quality reviews of CUOF incidents, NCUOF incidents and complaints, notwithstanding significant disagreement from the Department regarding the findings from these reviews, both prior to the OIG issuing its reports and afterwards.¹³² This ability to remain independent of the Department is a cornerstone of the OIG's future success.

Requirement to Review the LAPD's Use of TEAMS II Protocol

¹³¹ This finding was based on the OIG's October 2002 review of AD's *Search Warrants and Supporting Affidavits Audit*, the OIG's November 2002 review of the Criminal Intelligence Group's *Confidential Informant Control Packages Audit* and the OIG's August 2002 review of DSD's *Gang Unit Use of Confidential Informants*.

¹³² In some instances, during the closeout meetings and when the OIG's reports became public reports, the OIG has received substantial criticism for its findings from areas that were dissatisfied with the findings. This is to be expected given the OIG's oversight role.

Once TEAMS II was fully implemented in the spring of 2007, the OIG commenced its audit of TEAMS II, which requires the OIG to audit the quality and timeliness of the LAPD's use of TEAMS II to perform the tasks identified in paragraph 47. In this audit, the OIG split its review into two reports: a Phase I report, which covered system-generated action items, and a Phase II report, which covered supervisor-generated action items and routine system-generated action items.¹³³ The Monitor agreed with this approach and similarly split its evaluation of paragraph 137 into two separate evaluations.

The OIG submitted its TEAMS II Phase I audit in November 2007, its Phase II audit in June 2008 and another Phase I audit in October 2008. The Monitor concluded that each of these audits were compliant, and the Monitor provided input to the OIG regarding areas in which the OIG could improve its reviews. The Monitor anticipates that the OIG will address these requirements in the OIG's future TEAMS II audits.

Requirement for the OIG to Use TEAMS II to Conduct and Review Audits

The Monitor withheld a determination of compliance with requirements for the OIG to use TEAMS II to conduct and review audits in September 2008. In December 2008, the Monitor found the OIG in compliance with the requirement to examine and identify officers with at-risk behavior, but withheld a determination of compliance with the requirement to examine and identify trends. The Monitor and the OIG subsequently met and the OIG outlined a strategy for approaching the trending requirements which the Monitor concurs with.¹³⁴ Going forward, the OIG and Department will need to implement this strategy and the DOJ will need to confirm that the OIG has conducted sufficient review of at-risk practices or trends within units or between units. The Monitor is of the opinion that if the OIG implements this strategy, it will meet these requirements.

¹³³ At the time the OIG issued its first TEAMS II report, it originally intended to include only supervisor-generated action items in the Phase II report. However, after the OIG issued its Phase I report, increased automation of TEAMS II significantly reduced the number of supervisor-generated action items but increased the number of system-generated action items. These new system-generated action items are not generated as a result of an officer exceeding a threshold, but as a result of a promotion or transfer. As a result, they are routine and involve less risk. These lower risk action items were also assessed in Phase II, along with any supervisor-generated action items.

¹³⁴ The strategy involves the OIG obtaining and reviewing action item reports on a semi-annual basis to identify areas that appear to be at risk for one of the criteria listed in paragraph 138a. After preparing a report of their findings, the OIG will submit this report along with suggested areas for discussion to RMEC for review and follow-up with the appropriate Department Captain or other senior management who should respond to the report in a reasonable time.

Recommendations

Over the past eight years, the OIG has developed into a team of professionals that continues to consistently conduct quality reviews of Department audits and audits of the Department's CUOF, NCUOF and complaints. The OIG has also taken on other special projects, including reviews of specific incidents such as the MacArthur Park May Day incident that occurred in 2007. The Monitor believes the OIG is well-positioned to continue its role of civilian oversight of the Department and to take on further responsibilities previously held by the Monitor. At the same time, the Monitor worries about the independence of the OIG under a different Police Chief or a different Police Commission. The City family needs to look at potential structural changes that can ensure independence in the future.

In order to be successful at this role, it is critical that the OIG remain independent and challenge the findings of FID, AD, IAG and other groups within the Department. For the most part, the OIG has accomplished this task in the past three years, notwithstanding significant feedback from the Department in response to reports that are less than favorable. This has ensured that the Department has addressed shortcomings in how it conducts internal investigations and audits of various areas.

Going forward, like AD, in order to ensure the best use of its resources, the OIG will need to assess which reviews it should continue to conduct and its approach to these reviews. The OIG may wish to maintain the same reviews, or it may be appropriate to take on additional reviews. As recommended above in relation to the OIG's reviews and use of TEAMS II, the OIG is still fine-tuning its approach to reviewing these requirements. The Monitor recommends that the OIG continues to challenge itself and the Department in how they use TEAMS II as a tool to improve the Department's ability to recognize at-risk officers and units. The Monitor commends the OIG for its progress and supports the OIG in continuing to develop as one of the primary oversight bodies of the LAPD.

4. Police Commission Oversight

The *Christopher Commission Report* dedicated an entire chapter to the status and role of both the Police Commission and Chief of Police, and their relationship with each other and other City entities. The Christopher Commission identified numerous systemic problems in relation to how the Police Commission functions and provides oversight. These included the inability of the Police Commission to review and monitor disciplinary matters, failure to provide sufficient information to the Police Commission so that it could effectively monitor the Department's uses of force or make policy recommendations. The Christopher Commission also reported that "although the Police Commission is responsible for reviewing and approving the Department's annual budget, it has insufficient resources to participate meaningfully in the budget

process,”¹³⁵ and cited a lack of ability on the part of the Police Commission to ensure that a recommended policy change was implemented by the Department. Overall, the Christopher Commission concluded that “the Police Commission – while given broad authority over the Department and its Chief – has neither the resources nor the real power to perform effective oversight and control.”¹³⁶

The BOI focused on the role of the Police Commission in reviewing OIS incidents in order to ensure a complete, thorough and impartial examination of how these incidents are reviewed. This process includes reviewing the Chief of Police report¹³⁷ and issuing a report of the incident.

Although the DOJ’s *May 2000 Letter Report* did not specifically refer to the role of the Police Commission, the DOJ indicated that they interviewed members of the Police Commission as part of its investigation, which cited deficiencies in LAPD policies and procedures that resulted in multiple concerns regarding supervisory oversight and an overall failure to implement a system that would identify and respond to patterns of at-risk officers. Since the Police Commission is the ultimate oversight body for the LAPD, these concerns suggested problems with the oversight provided by the Police Commission.

Consent Decree Solutions

The Consent Decree required the Police Commission to review and evaluate all CUOF to determine conformance with LAPD policies and procedures, and the requirements of the Consent Decree. The Commission’s findings were to be included in a publicly available annual report.

The Police Commission was also charged with reviewing various audits to determine whether changes in LAPD policies were necessary; all such changes were to be approved by the Police Commission. In addition, the Police Commission was required to conduct annual reviews of the Chief of Police and was also charged with investigating complaints against the Chief of Police. While conducting its annual review of the Chief of Police, the Police Commission was required to consider the Chief’s responses to UOF incidents, complaints of officer misconduct, assessment and imposition of discipline, and other specified matters.

The Commission was also required to continue to review and approve the LAPD’s budget requests.

¹³⁵ See page 192 of the Report of the Independent Commission on the Los Angeles Police Department, 1991.

¹³⁶ See page 207 of the Report of the Independent Commission on the Los Angeles Police Department, 1991.

¹³⁷ For each CUOF incident, the Chief issues a report analyzing the incident and assessing whether or not there are concerns with the officers’ tactics.

Overall Achievements of the Police Commission

On March 20, 2001, the Police Commission passed an Action specifically requiring that the review of CUOF investigations must include a determination that the officer acted in compliance with the Consent Decree and report its findings to the Chief of Police regularly. After review of each CUOF, the IG prepares an analysis of the incident and forwards it to the Commission as their independent review. The IG's analysis, the Chief's recommendations and the FID report are presented to the Police Commissioners for their review and adjudication. Discussions regarding the incidents are held with the Chief of Police in closed session. Overall, disagreements concerning the ultimate outcome of an incident are rare.

The Police Commission's Annual CUOF Reports have contained a great deal of informative information. The first report reviewed by the Monitor was for incidents which occurred and/or reviewed by the IG and Police Commission during 2001. The Monitor found that report to be especially informative when discussing gender, ethnicity and age of both the suspects and officers involved in the CUOF incidents.

The OIG noted that it was difficult to track training for officers involved in CUOFs when it had been recommended by the Chief of Police. As a result, the Commission directed the Department to develop a process to ensure that all directed training was tracked.¹³⁸ The OIG also began to track that officers had actually received the training and requested that the Department report the status of the training to the Commission on a monthly basis.

The Police Commission initially had problems developing a system to track audits conducted by the LAPD and reviews or audits conducted by the OIG. The Monitor provided assistance in developing a process to track these audits in September 2003, and the Police Commission presented its system to the Monitor in September 2004. By September 2005, the Police Commission had successfully implemented this system so that it could track all audits and reviews. Since that time, the Police Commission has continued to refine its system to ensure that it reviews all audits, considers if any changes in policy are needed as a result of the audits, and receives feedback from the Area command staff explaining any deficiencies identified in the audits and the steps taken to resolve these deficiencies.

Early in the Consent Decree, the Monitor also found that there was no tracking system at the Police Commission that could be compared with the records maintained by the IG to determine if all complaints received by the Police Commission were forwarded to the OIG. During the quarter ending December 31, 2002, the Monitor recommended that a record-keeping system be put in place at the Police Commission to track all misconduct complaints filed against the Chief of Police in order to allow for comparison with records maintained by the Inspector General and

¹³⁸ Implementation of Special Order No. 17, *Training Update Subsequent to a CUOF*, provides officers with training for issues raised during the initial stages of CUOF investigation. Training is required to be provided within 21 days of the incident.

contained on the Chief's TEAMS Report. Early in 2003, the Police Commission established a log for the purpose of tracking complaints filed with the Commission against the Chief of Police.

Consent Decree Compliance

Police Commission's Review of Categorical Use of Force Incidents

The Monitor reviewed CUOF packets that were submitted to the Police Commission on several occasions during the term of the Decree. In all instances, the packets were complete, containing all the necessary and appropriate documentation in order to evaluate the incident. As a result, in March 2006, the parties to the Consent Decree agreed that the Department had achieved substantial compliance with this requirement.

During most reviews conducted during the Decree, the Commission's Annual CUOF Report was found to address most Consent Decree requirements with regards to the publication of the report; however, there were delays in the publications of the 2002 and 2003 Annual Reports due to staffing problems of the OIG. Although these reports were of a quality nature once published, the delays resulted in a determination of non-compliance. As a result the Monitor continued to audit this requirement during the extension. The Monitor found that subsequent Annual Reports were in compliance with requirements regarding timing and content. As a result, the Monitor concluded that the Department was in substantial compliance with Decree requirements by the quarter ending March 31, 2008.

Police Commission's Review of Consent Decree Audits

Up to September 2004, the Police Commission had either not developed a process to track the LAPD's and OIG's audits or the resulting analysis was missing several LAPD audits and OIG audits and reviews. Consequently, the Police Commission and its staff were unaware of the status of many of the audits/reviews expected to be issued. As a result, the Monitor found the Department in non-compliance with requirements regarding the Commission's reviews of Decree audits.

In September 2005, the Monitor determined that the Police Commission had developed a system for tracking the audits that contained most of the required information. Upon reviewing additional information in December 2005, the Monitor determined that the Police Commission had reviewed and approved all appropriate audit reports and considered if any changes in policy were needed. As a result, the Monitor concluded for the first time that the Department was in compliance with the audit review requirements.

The Monitor continued to review compliance with these requirements during the Consent Decree extension, as the Department had only achieved compliance once prior to the extension. In September 2006, the Monitor identified that the Police Commission had refined its system for tracking audits and again found the Department in compliance. By September 2007, in addition

to tracking the audit and review reports, the Police Commission instituted a system whereby command staff was required to appear before the Police Commission to explain any deficiencies and provide progress reports of actions taken to resolve the deficiencies. Based on these successes, in July 2008 the Monitor concluded that the Police Commission was effectively performing its oversight role relating to the recommendations from the audits and the Department was in substantial compliance with these requirements; the Monitor further concluded that active monitoring of compliance with these requirements was no longer required during the balance of the extension.

Police Commission's Inclusion of Audit Results in Its Evaluation of the Chief of Police

The Monitor first concluded the Department was in compliance with the requirement to include the audit results in the evaluation of the Chief of Police in December 2003. In June 2005, the Monitor withheld a determination of compliance as there was no specific indication that the Police Commission had considered the results of the audits in its evaluation, but the Monitor was informed that this information had been considered. The Monitor found the Department in compliance again in December 2005, as the Chief's review specifically considered the results of the audit. As a result, in June 2006, the Monitor concluded the Commission was in substantial compliance with this requirement, and did not actively monitor compliance with the requirement during the extension.

Police Commission's Review and Approval of New/Changed Policies and Procedures

In March 2003, the Monitor found the Commission was not in compliance with this paragraph, as the review of the policies and procedures was not completed on a timely basis. However, in September 2003, December 2004 and December 2005, the Monitor determined that the Commission was in compliance, in that they had reviewed and approved all new policies and that all special Orders and Procedures adopted by the Police Commission were date-stamped as approved by the Board of Police Commissioners. As a result, in June 2006, the Monitor concluded the Commission was in substantial compliance with this requirement, and did not actively monitor compliance with the requirement during the extension.

Police Commission's Annual Review of the Chief of Police

The Police Commission's annual review of the Chief of Police for the period covering July 1, 2002 through June 30, 2003, encompassed six distinct areas of performance, considered the requirements of the Consent Decree and included consideration of the Police Commission's assessment of the appropriateness of discipline imposed by the Chief. The Monitor concluded that this annual review was compliant with the Decree requirements. The Police Commission subsequently completed compliant annual reviews of the Chief of Police covering the periods

July 1, 2003 through June 30, 2004, and July 1, 2004 through June 30, 2005.¹³⁹ As a result, the Monitor concluded that the Department achieved substantial compliance with these requirements prior to the extension of the Decree, and the Monitor did not actively assess compliance with these requirements during the extension period.

Police Commission's Investigation of All Misconduct Complaints Against the Chief

Due to the sensitive nature of complaints filed with the IG¹⁴⁰ against the Chief of Police, the City only provided documentation directly to the Chief Monitor or his Deputy.

The LAPD was found to be in non-compliance with these requirements during the quarter ending June 30, 2003, due to discrepancies between the Chief's TEAMS Report and databases maintained by IAG and the OIG, and between documentation kept by the Police Commission and OIG. The Monitor found the complaint investigations to be thorough and of good quality, although one complaint was terminated due to the Chief's retirement. The Monitor found no policy or procedure in effect concerning the termination of complaint investigations upon the retirement of a Chief of Police. The IG represented to the Monitor that all future investigations will continue regardless of the Chief's employment status. The Monitor again found the Department in non-compliance during the quarter ending September 30, 2004, because the OIG had no written protocol for the investigation of, and reporting on, complaints against the Chief of Police.

The Monitor found the LAPD in compliance with requirements regarding the Police Commission's investigation of misconduct complaints against the Chief during the quarter ending June 30, 2005. The Deputy Monitor reviewed the status of OIG complaint investigations against the Chief of Police and determined that the OIG put into place written protocols for the investigation of, and reporting on, complaints against the Chief. The Deputy Monitor also reviewed the pending complaints against the Chief of Police and found them to be compliant with those protocols and with appropriate standards of investigation.

¹³⁹ In the review covering July 1, 2003 through June 30, 2004, there was no specific indication that the Police Commission considered its assessment of the appropriateness of discipline imposed by the Chief in its evaluation. The Executive Director of the Police Commission indicated that he believed that this was considered, even if it was not specifically declared in its written evaluation. The Commission's next review for the period July 1, 2004 through June 30, 2005 specifically considered the Chief's responses to UOF incidents and complaints of officer misconduct, assessment and imposition of discipline.

¹⁴⁰ The OIG conducts investigations concerning misconduct complaints filed against the Chief of Police and maintains files pertaining to each investigation. At the conclusion of each investigation, the IG makes a recommendation to the Police Commission as to the appropriate disposition of the complaint. The Commission may adopt the recommendation of the IG or determine a different disposition.

At the end of the initial term of the Consent Decree, the Monitor found the Department in substantial compliance with these requirements, and compliance with them was not actively monitored during the extension period.

Police Commission's Review and Approval of the LAPD's Budget

The Monitor found during 2002, 2003, 2004 and 2005 that the Police Commission reviewed and approved LAPD budget requests before submission to the City. Each year, the Monitor noted the requested amount, the size of the increase from the prior year and date the approved budget request was forwarded to the City. As a result, the Monitor concluded that the Department achieved substantial compliance with this requirement prior to the extension of the Decree, and the Monitor did not actively assess compliance during the extension period.

Recommendations

The Monitor commends the Police Commission for assuming a larger oversight role in the LAPD operations. In moving forward, the Monitor offers the following recommendations:

Since the Police Commission is the final authority on all activities related to the LAPD, the Police Commission must remain independent and impartial, but at the same time remain involved at a supervisory level in the activities of the LAPD and the COP. The current Police Commission has consistently shown the level of review and involvement needed. The Monitor encourages the Mayor and City Council to ensure that the future members they appoint and confirm to the Police Commission have the necessary skills, training and interest in the activities of the LAPD and the Chief of Police to maintain this level of review.

5. Financial Disclosure

The Consent Decree required regular and periodic financial disclosures by all LAPD officers and other LAPD employees who routinely handle valuable contraband or cash and periodic audits of such disclosures. In addition, the LAPD was required to periodically audit a random sample of such disclosures to ensure their accuracy.

On January 17, 2006, the issue of financial disclosure came before the Court in the form of a motion filed jointly by the City and DOJ to amend the Decree as allowed by the "Meet and Confer" process required by California law. The City indicated that the proposed amendment to the Consent Decree was the product of that Meet and Confer process. The Monitor opposed the amendment in its February 16, 2006 filing because, in the Monitor's judgment, it did not fulfill the intent of the paragraph, which as written represents best practice with the potential of preventing corruption in susceptible positions in ways that the proposed amendment did not. The Court denied the motion to amend at a March 21, 2006 hearing, leaving the paragraph as unfulfilled and in non-compliance.

At the end of the initial period of the Consent Decree, the Monitor, with the approval of the parties, planned to actively monitor paragraph 132 during the extension period pending the full implementation of appropriate financial disclosure. Subsequent to the Court's decision, the City was unfortunately unable to reach an agreement with the Police Protective League on the appropriate parameters of financial disclosure, which led to the unilateral adoption by the Police Commission of the current policy.

On December 20, 2007, the issue moved forward with the proposal by the Police Commission of a policy intended to appropriately address the requirements of the paragraph. The Police Protective League took the position that the proposal violated California law and various meet and confer provisions, and filed suit in State Superior Court that same day seeking judicial intervention to prevent the adoption of the policy. The policy allows a two-year grace period for officers currently serving in affected units, thereby allowing officers who so object to the requirements to seek assignments in other units of the Department. The Monitor wrote at the time that "because of this grace period, it will not be possible to meet the requirement of two years of substantial compliance during the term of the current extension of the Decree. Accordingly, it is possible that the Court will require an extension of this provision to ensure two years of substantial compliance."

On January 15, 2008, the Los Angeles City Council asserted jurisdiction over the financial disclosure policy approved by the Police Commission but dropped its objection to the plan on February 6, 2008. Judge Feess granted a temporary restraining order on the implementation of the financial disclosure policy on June 13, 2008, and then decided on August 22, 2008 not to block the plan. The Police Protective League appealed the decision and on September 12, 2008, the 9th Circuit Court of Appeals put the financial disclosure policy on hold pending appeal. On February 27, 2009, the 9th Circuit rejected the Police Protective League's bid to block financial disclosure, and the LAPD vowed to implement the plan within 30 days.

As a result of the activity described above, substantial compliance with financial disclosure requirements has not been achieved, and the requirements are one of the subjects of the Transition Agreement.

6. General

In addition to identifying the need to establish the AD and conduct audits on a regular basis, the BOI report identified that it was critical to track the implementation of recommendations from previous audits so that command staff do not make the same mistakes over and over again.

Consent Decree Solutions

The Consent Decree required the City and the Department to take appropriate, timely and reasonable steps to implement recommendations and remedy deficiencies noted in reviews, audits and reports issued by the Police Commission, the IG, and the Department under the Consent Decree.

Overall Achievements of the LAPD

Initially, the City disagreed that this paragraph required any action by the LAPD. Notwithstanding this, CRID developed a Recommendations Tracking System (RTS), which was used to generate an *Audit Recommendations Status Report* for the Police Commission. This report listed each of over 500 recommendations from the LAPD and OIG's audits and reviews, tracked the steps undertaken to address such recommendations and identified which recommendations were to be implemented. Additionally, the OIG implemented a separate system in early 2005 to track the audit recommendations made from its confidential reviews of the EES quarterly reports. Over the term of the Decree, the LAPD has continued to update and improve the system, first by creating a more sophisticated database to better track the extensive number of recommendations generated by AD and the OIG and then by enhancing the information within the system to ensure that the relevant parties were aware of who was responsible for ensuring each recommendation was addressed by the Department.

Consent Decree Compliance

In December 2002, the Monitor reported that there were numerous recurring deficiencies identified in successive audits that were not yet addressed, and neither the City nor the Department had developed a process to track the LAPD's implementation of recommendations emanating from audits and other reviews and reports required by the Consent Decree.

The Monitor reported in September 2003 that the LAPD had developed a system to track recommendations and to correct deficiencies identified in the LAPD's audits, but this process was incomplete, as there was not yet a process to track the OIG's audit recommendations and actions thereon.

The Monitor found the Department in compliance with paragraph 154 for the first time in December 2004 and again in December 2005, after reviewing CRID's *Audit Recommendations Tracking Reports* for each of the four preceding respective quarters and printouts from the OIG's recommendations tracking system for the EES audits. By December 2006, the Monitor identified that CRID had expanded the system to include other non-Consent Decree audits. The Monitor continued to find the Department in compliance with paragraph 154 in December 2007 and December 2008. As a result, the Department achieved substantial compliance with this requirement.

Recommendations

CRID and the OIG have each created a database and system for ensuring that recommendations from reports are assigned, tracked, reviewed and assessed as to whether or not they should be implemented. The Monitor commends CRID and the OIG for creating these systems and encourages both bodies to maintain these systems.

H. Community Outreach and Public Information

The Christopher Commission reported that the LAPD's approach to policing was a "professional approach" that emphasizes crime fighting and "isolated the police from the communities and the people they serve." The Commission wrote that although "this style of policing produces results," it "does so at the risk of creating a siege (we/they) mentality that alienates the officer from the community." The commission recommended that the LAPD move toward a community policing model that "treats service to the public and prevention of crime as the primary function of police in society." The commission wrote that "using a community-based style of policing, LAPD officers can continue to be active and energetic in preventing crime, as well as reacting to it, without unnecessarily aggressive confrontations with the public."

The *March 2000 BOI Report* noted a need for a community police approach, and noted that CRASH operations appeared to be lacking community involvement and community outreach. Due to the demographics of Rampart Area, the BOI wrote that the predominantly Spanish-speaking Central American immigrants, many of whom are undocumented aliens who fear deportation by the police, were "inherently reluctant or fearful of making complaints," thus allowing "corrupt officers [to be] freer to operate without the fear of being caught." A common theme in the report was that "officers must be reminded of the community problem-solving goal, especially those working in 'elite assignments' where the culture is viewed as more aggressive and seems to work under a different set of rules."

Consent Decree Solutions

The Consent Decree required the Department to conduct a Community Outreach and Public Information program for each LAPD geographic Area. This program was to consist of open public meetings to inform the public about the provisions of the Decree and the methods of filing a complaint against an officer, and to provide information on the LAPD and LAPD operations in order "to enhance interaction between officers and community members in daily policing activities." These meetings were to be held each quarter in each of the 18 geographic Areas in the first year of the Decree, and one meeting in each Area held annually thereafter. The City was also required to publish notice of the meetings.

The Department was also required to prepare and publish on its website semiannual public reports. These reports were to contain aggregate arrest, stops and UOF statistics broken down by each LAPD geographic Area and for the OHB and by the race/ethnicity/national origin of the citizens involved. The LAPD was also required to post results of Consent Decree specified audits, a summary of all discipline imposed during the period reported by type of misconduct, and any new policies or changes in policies made by the Department to address the requirements of the Decree, as well as the City's semiannual status reports to the Court and the Independent Monitor's quarterly reports.

Lastly, the LAPD was required to continue to utilize community advisory groups in each geographic Area and to meet quarterly with the communities they serve, and to establish a media advisory working group to facilitate information dissemination to the predominant ethnicities and cultures in the city.

Overall Achievements of the LAPD

At the outset of the Decree, the LAPD took immediate steps to comply with Consent Decree's community outreach requirements. First, the LAPD issued Administrative Order 8, dated July 25, 2001, which organized the Department's outreach programs and established new procedures that compliance with the Decree's requirements. Significantly, before the end of the first quarter of the Decree (September 30, 2001), all 18 LAPD geographic Areas scheduled and held their first Consent Decree-required community meetings, in which they presented all required information. The Department continued to hold the required community meetings during the remainder of the original term of the Decree.

On October 2, 2001, the first semiannual LAPD report was published on the Department's website, documenting the time period January 1 through June 1, 2001. In this report, the Department complied with the following publication requirements:

- Aggregate statistics by geographic Area;
- Report of specified audits and any corrective actions taken;
- Summary of all disciplinary actions; and
- New policies and procedures.

The Media Relations Group met in October 2001 and again in November 2001; the group included seven members from the various council districts and three members of the LAPD.

During the quarter ending December 31, 2001, the LAPD's Community Affairs Group published meeting schedules both on the City's and the Department's website well in advance of the actual meeting dates. Schedules were also posted in 11 citywide newspapers in the following languages: English, Farsi, Japanese and Spanish. Some divisions augmented the City's list of

publications and advertised in additional publications that were representative of their community. For example, the Southeast Division advertised their meeting in *New Times LA*, *African Times*, *LA Weekly*, *Herald Dispatch*, *LA Watts Times* and *Para Ti*. The Monitor found that although some divisions were thorough in documenting their efforts to comply with the Consent Decree, other divisions did not document where and when they placed flyers or who had presented at their meetings. Although meeting content was to focus on LAPD operations, each Division determined the subject matter to be covered. The Wilshire Division's meeting titled "Racial Profiling or Data Collection? Find out what the Consent Decree requires of the LAPD" was especially timely with the beginning of data collection in November 2001.¹⁴¹

The Media Advisory Group met on March 22, 2002, and again on November 22, 2002. The Monitor noted that only four people attended the latter meeting. The LAPD also successfully publicized and held quarterly Media Advisory Group meetings during the quarter endings March 31, 2003, and June 30, 2003.

Although the LAPD continued to post on its website much of the information required by the Consent Decree, not all of the required information was included. Information collected from pedestrian and vehicle stops was not posted, preventing the LAPD from complying with pertinent requirements during the quarters ending March 31, 2002; June 30, 2002; September 30, 2002; and December 31, 2002. The Monitor recommended that the Department organize all required reports/postings under one hyperlink to simplify access to this information. The Monitor found the LAPD in compliance with these requirements during the quarter ending March 31, 2003, as by that point the LAPD's website now contained all the required information, including: pedestrian and traffic stop data for the period evaluated, a summary of all discipline imposed during this period, reports of audits completed during the period, and new policies or changes in policies made by the Department to address the Consent Decree for the relevant six-month period. The Monitor found that the website continued to contain all of the required information during all subsequent assessments made during the remainder of the original term of the Decree.

The LAPD publicized and successfully held a Media Advisory Group during the quarter ending September 30, 2003, which focused on outreach to the city's Korean community. Two

¹⁴¹ During the quarter ending March 31, 2002, the Monitor discovered alarming evidence that certain officers were making negative statements at community meetings about the Consent Decree and the Monitor. They portrayed the Decree as a frivolous exercise imposed from outside that the LAPD must endure for the next five years, rather than an opportunity for substantive reform. In striking contrast, the Monitor noted that an officer responsible for a meeting in the Foothill division made a thorough and quite professional presentation, explaining that the Consent Decree had been imposed as a result of the Rodney King and the Rampart scandals, and because the government believed the Department had engaged in racial profiling. He told the audience that "all of the points included were good and it would not hurt the Department to implement them."

representatives from Councilmember Jan Perry's office attended. However, no meeting was held during the quarter ending December 31, 2003, due to a lack of response from Media Advisory Group members.

Consent Decree Compliance

As described above, within the first six months of the Decree, the Department enacted new policies to provide for the required community meetings and publishing of information to the Department's website. And, by the first quarter of 2003, all of the requirements of the Decree, including the posting of all required information on the Department's website were in compliance.

The Monitor found the Department in compliance with requirements regarding community advisory groups and a media advisory working from December 2002 to September 2003, but found the Department in non-compliance in December 2003, as a meeting was not held due to the lack of response from Media Advisory Group members. However, the parties requested an amendment to this requirement, among others, in their Joint Request to Amend the Consent Decree Pursuant to Paragraph 180 of the Consent Decree, filed with the Court on April 15, 2005.¹⁴² On June 2, 2005, the Court approved the amendment, which added "through the third year of the Consent Decree" to the original text in order to read, "The Department shall establish a media advisory working group to facilitate information dissemination to the predominant ethnicities and cultures in Los Angeles through the third year of the Consent Decree."

As a result, the Department achieved substantial compliance with all requirements of this section of the Decree by the expiration of its original term, and the Monitor did not actively monitor compliance with these requirements during the extension period.

Recommendations

The Monitor commends the LAPD for the accomplishments it has made in achieving compliance with the requirements in the area of community outreach. Policies and procedures are in place, and the oversight role of AD, the Police Commission and the OIG continues to ensure that the policies and procedures are followed, and that deficiencies are corrected and recommendations

¹⁴² The parties wrote in their filing that "the media advisory group was appropriate during the first year of Decree implementation" and that "the media group has served its purpose, as illustrated by the media's unwillingness to attend meetings." As "efforts to work with the media to facilitate delivery of information to all Los Angeles communities are now better served by other LAPD public relations efforts," they wrote, "the requirement for a media advisory group should sunset at this time."

are implemented. The Monitor is confident that the Department will continue to be proactive in the area of community outreach, and offers the following recommendations in this regard:

- The LAPD should continue posting all required information on its website. The Department may consider having the information available for those members of the public who do not have Internet access.
- The LAPD should maintain its partnership with Community Police Advisory Boards (CPABs) for all Areas and continue to report to the Police Commission on their activities.

III. Conclusion

Over the past eight years, the Monitor has approached the oversight of LAPD as being controlled by the specific mandates of the Consent Decree and the overall intent of the Decree. The mandates of the Decree, as found in its 90 pages, were operationalized in a 200-plus page methodology that required hundreds of specific actions by the LAPD, and described the metrics by which the Monitor was to statistically measure progress toward >94% compliance. This disciplined and technical approach was at times frustrating for all parties, but the granularity was necessary in order to ensure that real reform was taking hold across the Department. At the same time, the Monitor never lost sight of the overall intent of the Decree: to help transform the LAPD into a department that effectively fights crime while honoring and protecting the rights of the residents of Los Angeles.

In the areas of officer-involved shootings and use of force investigations, training, auditing, handling of the psychologically disturbed, complaint acceptance and investigations, the use of Early Warning Systems and risk assessments, and the role of an Inspector General, Los Angeles is a model for best practice policing in the United States and abroad. But these areas of improvement may still be too granular if it causes us to miss the more subjective changes in attitude and realization of responsibility that we have seen over the past eight years. Eight years ago, respect for civil rights by the LAPD was, at times, viewed as a reason for non-policing. We heard, for example, how officers would not make stops if they were required to complete Field Data Reports on stops they were making. We saw, while on ride-alongs, the mentality of an occupying force on the part of the officers and a not unsurprising resentment and distrust of police on the part of those being occupied. Today, there is not just general acceptance of the best practice policing that the Consent Decree has fostered but, for the most part, a willing adoption and understanding of the importance of these practices in fighting crime effectively by creating goodwill in the community. Today, communication with, respect for and caring about the community is the standard practice of a new LAPD.

With this Final Report, the Monitor recommends to the Court that the City of Los Angeles and its Police Department be found in substantial compliance with the Consent Decree and, consistent with the Transition Agreement, be released from its strictures. Our recommendation to the Court is made not because every paragraph has been fully complied with, or because there is no need for continued reform, or that there is absolute certainty about the future of LAPD. Rather, the Monitor recommends the finding of substantial compliance because we believe that the City and Department have complied with the material intent of the Consent Decree. While there is still room for additional reform, as required by the Transition Agreement, we believe that the significant accomplishments to date have brought us to the point where, with oversight provided by the Police Commission and Office of Inspector General, the LAPD can, itself, effectively maintain and advance reform while at the same time ensuring the public's safety.

Our recommendation does not come without reservations. We believe the Transition Agreement is crucial to complete the work on three important initiatives: Teams II, biased policing and financial disclosure. In addition, we are mindful that, inevitably, changes in the factors and personalities that have brought about reform will occur. The consistency of the oversight of the Federal Court, the Department of Justice and the Monitor will end, and there will, at some point, be a new Police Commission, a new Police Chief and a new Mayor. The question is: Will the institutions of Los Angeles, under new management, be able to protect and enhance the reforms that have been achieved? The City and its stakeholders must give careful and continuing consideration to the question of how to best perpetuate the changes that have been made. How can a vigorous and independent Inspector General and Police Commission be assured? What steps can be taken to further promote the institutionalization of internal audit, training, non-biased policing and the use of TEAMS II? While these are issues outside the scope of the Consent Decree, they are challenges that must be met in order to make the past eight years meaningful and the reforms achieved enduring.

Acknowledgments

The Monitor would like to extend its thanks to the staff of the DOJ's Special Litigation Section: Shanetta Cutlar, Chief; Daniel Weiss, Deputy Chief; Steven Rosenbaum, former Chief; Donna Murphy, former Deputy Chief; Staff Attorneys Je Yon Jung, Laura Coon, Jeffrey Murray, Timothy Mygatt; and former Staff Attorneys Patricia O'Beirne and Mark Posner.

The Monitor would like to thank Mayors Riordan, Hahn and Villaraigosa, who dedicated the City's full support to the Consent Decree and its objectives. In addition, the Monitor would like to thank the Deputy Mayors for Homeland Security and Public Safety who served during the Consent Decree period, Arif Alikhan, Maurice Suh and Roberta Yang, for their dedication to reform and general assistance. From the Office of the City Attorney, the Monitor would like to thank City Attorney Rockard "Rocky" Delgadillo and Deputy City Attorneys Carlos de la Guerra, Julie Raffish and Mark Burton for their dedication to reform and general assistance.

From the Office of the Chief Legislative Analyst, the Monitor would like to thank Chief Legislative Analyst Gerry Miller, staff member June Gibson and former staff member Brence Culp for their assistance. In addition, we would like to thank former Chief Legislative Analyst Ron Deaton and former staff member Barb Garrett for their dedication and assistance.

The Monitor would like to thank the City Council Presidents during the Consent Decree term, Alex Padilla and Eric Garcetti. In addition, we thank Public Safety Committee chairs during the term, Cindy Miscikowski and Jack Weiss.

The Monitor thanks the Commission members during the term of the Decree: Herbert F. Boeckmann II, David Cunningham III, Rick Caruso, Rose Ochi, Silvia Saucedo, Shelley Freeman, Anthony Pacheco, John Mack, Andrea Ordin, Alan Skobin and Robert Saltzman. The Monitor also thanks the current Executive Director, Richard Tefank and previous Executive Directors Joe Gunn and Daniel Koenig.

That which has been achieved could not have been done without the dedication of the vast majority of the men and women of the LAPD. Specifically, the Monitor extends its thanks to the following police personnel who were most intimately involved in bringing reform to LAPD: In addition to Chief Bratton, former Chief Bernard C. Parks and former Interim Chief Martin Pomeroy. From the LAPD Consent Decree Bureau (with rank at the time): Police Administrator III Gerald Chaleff, Executive Secretary Armida Lomeli, former secretary Sally Greer, Lt. Scott Sargent, Lt. Brian Pratt and Lt. Rosa Moreno. From the LAPD Audit Division (with rank at the time): Capt. Ron Sanchez, Capt. Walt Schick, Capt. Jodi Wakefield, Lt. John Baronowski, Lt. Tina Nieto, Lt. Kelly Muldorfer, Lt. Art Sandoval and Police Performance Auditor IV Erin Kenney and all of AD's project managers and other audit team members. From the Civil Rights Integrity Division and Consent Decree Bureau (with rank at the time): Capt. Scott Kroeber, Capt. Sandy Jo MacArthur, Capt. Kevin McClure, Lt. Jeff Greer, Lt. Len Hundshamer, Lt. Robert Lopez, Sgt II Alex

Baez, Sgt Chris Waters, Sr. Management Analyst II Alex Nuno and Sr. Clerk Typist Esther Acuna and other staff members of CRID who assisted with coordinating the Monitor's reviews and providing documentation required by the Monitor. From the TEAMS II Unit (with rank at the time): Deputy Chief David Doan, Police Administrator III Maggie Goodrich and Assistant General Manager Kamton Joe and the other staff members of TEAMS II. From the Incident Management and Training Bureau and former Training Group: Deputy Chief Mike Hillmann, Deputy Chief Sandy Jo MacArthur, Dr. Robin Greene and Dr. Luann Pannell. From the Professional Standards Bureau: Deputy Chief Michael Berkow, Deputy Chief Mark Perez; Commander Rick Webb, Commander Eric Lilo, Commander James Voge, Captain James Bower, Captain Rigoberto Romero and the staff of PSB who assisted with providing information. From CIID: Capt. Sean Kane. And from FID: Capt Chris Pitcher.

The Monitor would like to thank former Inspector General Jeffrey Eglash as well as the current Inspector General Andre Birotte. Additionally, the efforts of Assistant Inspectors General Nicole Bershon, Django Sibley, and Susan Hutson, former Assistant Inspectors General Terry Martin and Beth Alonso, and the OIG staff have been invaluable.

A number of members of the Monitor's team, in addition to Mr. Cherkasky and Mr. Schlanger have served for the entire eight years of the Consent Decree. These include Tom Frazier, our designated policing expert and former Commissioner of the Baltimore Police Department; Joe Buczek, a former agent with the Federal Bureau of Investigation, who headed our Use of Force and Complaints Team; and Christi Gullion, who ultimately led the TEAMS II, Search Warrant, Gang Unit and Confidential Informants teams. Hazel de Burgh served for all but the first six months of the Consent Decree as head of the Monitor's Audit Team. In addition, Penny Cookson served for more than five years as one of the core members of our Audit team and, for more than three years, assumed responsibility for managing the day-to-day operations of the team. Meg Reiss served for four years leading our Training and Biased Policing Teams, before leaving to become Executive Assistant District Attorney in Nassau County, New York. In addition there were many members of the team whose stays were relatively short, but whose contributions were significant: Edward Nagel, David Horner, Terry Penney and Andrew Shin on the Audit Team; and Lee Curtis, Daryk Roland and Kelly McBride on TEAMS II. A special thanks to Rene Salazar, who has served the team extremely well in a variety of both administrative and substantive capacities, and to Kathy Grillo who worked closely with Joe Buczek on the Use of Force and Complaints aspects of the Decree. Lastly, Ron Filak has worked tirelessly, mostly behind the scenes, and has provided invaluable assistance in the editing of this Final Report and the vast majority of our quarterly reports. Biographies of the current members of the Monitoring team appear in Appendix G.

Most importantly, the Monitor would like to thank the residents of Los Angeles whose quest for true reform throughout this process has been our driving force.