

LOS ANGELES POLICE COMMISSION

REVIEW OF NATIONAL BEST PRACTICES



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

ALEXANDER A. BUSTAMANTE
Inspector General

May 2, 2017

TABLE OF CONTENTS

I.	INTRODUCTION AND EXECUTIVE SUMMARY	1
II.	BACKGROUND	2
III.	PROCEDURAL JUSTICE AS A GUIDING PRINCIPLE	3
	A. Overview of Concepts	4
	B. Adopting Procedural Justice as a Guiding Value	6
	C. Internal Procedural Justice	9
	D. Recommendations	12
IV.	PREVENTING BIASED POLICING	12
	A. Addressing Implicit Bias	13
	B. Cultural Competency and Diversity	20
	C. Expanding the Definition of Biased Policing	21
	D. Recommendations	22
V.	ESTABLISHING A CULTURE OF TRANSPARENCY AND ACCOUNTABILITY	22
	A. Availability of Department Policies	22
	B. Release of Information on Serious Uses of Force and Other Incidents	23
	C. Soliciting Input in Developing Policy	26
	D. Annual Community Surveys	27
	E. Recommendations	28
VI.	COLLECTION AND REPORTING OF DATA	28
	A. Published Reports	29
	B. Open Data and the Police Data Initiative	30
	C. Use of Force Data	30
	D. New State Laws Requiring Data Collection	31
	E. Recommendations	36

VII. THE USE OF FORCE	36
A. Policy on the Sanctity of Human Life and Promptly Rendering Aid	38
B. Crisis Response	39
C. Comprehensive Policy on the Use of Force	40
D. Recommendations	42
VIII. POLICIES ON STOPS AND SEARCHES	42
A. Recommendations	43
IX. COMMUNITY POLICING	43
A. Community Policing Policies and Strategies	43
B. Infusing Community Policing Throughout the Agency	45
C. Recommendations	46
X. RECOMMENDATIONS FOR COMMISSION	46
A. Adopting Procedural Justice As a Guiding Principle	47
B. Preventing Biased Policing	47
C. Establishing a Culture of Transparency and Accountability	48
D. Collection and Reporting of Data	48
E. The Use of Force	48
F. Stops and Searches	49
G. Community Policing	49

**OFFICE OF THE INSPECTOR GENERAL'S
INVESTIGATION OF THE LOS ANGELES POLICE DEPARTMENT'S
REVIEW OF NATIONAL BEST PRACTICES**

I. INTRODUCTION AND EXECUTIVE SUMMARY

As requested by the Los Angeles Police Commission (Commission), this review by the Office of the Inspector General (OIG) represents an analysis of the degree to which the Los Angeles Police Department (LAPD or Department) has implemented recommendations contained in two recent national best practice documents. These documents -- the "Final Report of the President's Task Force on 21st Century Policing" and the Police Executive Research Forum's "Guiding Principles on Use of Force" -- were developed in response to the national conversation on policing, race, and the use of force. Each provides a series of broad recommendations for agencies working to effectively fight crime while building community trust and minimizing the use of force.

In its review, the OIG sought to determine the status of those recommendations at the LAPD, and the extent to which the Department's policies and practices are aligned with the principles and activities set forth in the two documents. In doing so, it found that the LAPD has fully or partially implemented the majority of these recommendations in some form and that in many cases, these were long-standing Department practices. Some of these practices include, for example, the establishment of community policing partnerships, ongoing civilian oversight, specialized processes for the investigation and evaluation of serious use of force incidents, publishing of data and information about the LAPD's activities, and the decoupling of local policing for non-serious crime from federal immigration enforcement. In fact, given the Department's role in advising the Task Force on 21st Century Policing (Task Force), there were instances where LAPD initiatives were offered as examples for other agencies to follow. The Department was also selected for a visit by the then-United States Attorney General as one of six cities that has excelled in implementing one of the pillars put forth in the report, specifically that of "Technology and Social Media."¹

There are other areas where the Department is currently in the process of taking steps to more fully implement the recommendations, in some cases at the direction of the Commission. Recent steps include, for example, the development of official policies and training on de-escalation, training on procedural justice and implicit bias, the expansion of data collection and reporting, the development of new media protocols, and improvements in crisis response training and capacity.

This report does not represent an exhaustive review of all the recommendations and action items in the relevant documents. The Task Force report alone contains over a hundred items on a wide variety of issues affecting police departments, many of which are addressed to different stakeholders such as the federal government, the community, or other entities. Moreover, many of the items represent ongoing goals or general principles rather than specific tasks. As such, the OIG's review is instead meant to provide a qualitative overview that seeks to highlight progress and identify potential areas of continued expansion and improvement.

¹ "Attorney Lynch and Facebook to Host Community Policing Town Hall in Los Angeles," United States Department of Justice Media Advisory, June 30, 2016.

The OIG selected seven primary areas that are of current interest to the Commission and the public, and for which the Department is, or has recently been, in the process of making changes. These topics include: adopting the principles of external and internal procedural justice; prevention of biased policing; establishing a culture of transparency and accountability; collection and reporting of data; policies and practices relating to the use of force; stop and search policies; and expanding community policing.

II. BACKGROUND

The first document reviewed by the OIG, the “Final Report of the President’s Task Force on 21st Century Policing,” represents the findings and recommendations compiled by the Task Force, a group of 11 experts appointed by President Barack Obama to “identify best policing practices and offer recommendations on how those practices can promote effective crime reduction while building public trust.”² The report was developed following a series of seven listening sessions during which the Task Force heard testimony from a diverse group of experts from around the nation, including the LAPD’s Chief of Police, who testified during the session on Policy and Oversight. The report’s publication has had a significant impact on the profession of policing, as agencies across the nation work to analyze their own practices and, where appropriate, bring them in line with the Task Force’s recommendations. It has also resulted in the development of a number of initiatives, workshops, and research projects aimed at furthering the goals of the Task Force and assisting agencies in implementing its principles.

The second document, “Guiding Principles on Use of Force,” set forth by the Police Executive Research Forum (PERF), was also developed in response to what some perceive as the current “crisis of public safety and officer safety.”³ The report focuses specifically on ways to reduce the use of force in incidents involving a person behaving erratically -- due to mental illness, developmental disability, or other condition -- or who is armed with a weapon other than a firearm. It is designed to reflect the “latest thinking” on use of force and provides a series of 30 principles developed through input and insights from police executives around the nation.

The OIG’s research into these proposed best practices was supplemented by a review of requirements set forth in two state laws passed in 2015, Assembly Bills 71 and 953, as well as research about common practices as reflected in Consent Decree requirements and other agencies’ policies.

This report builds on a previous status report on this topic compiled by the Department’s Strategic Planning Unit in June of 2015.⁴ That report maps out each Task Force

² “Final Report of the President’s Task Force on 21st Century Policing,” President’s Task Force on 21st Century Policing, 2015. Available at https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

³ “Guiding Principles on the Use of Force,” Police Executive Research Forum, March 2016. Available at http://www.policeforum.org/assets/30_guiding_principles.pdf.

⁴ “The President’s Task Force on 21st Century Policing: Report” Los Angeles Police Department, June 2016. *See also*: “LAPD in 2020,” Los Angeles Police Department Strategic Plan, 2015. The latter is available at <http://assets.lapdonline.org/assets/pdf/LAPD%20Strategic%20Plan.pdf>.

recommendation, noting current status at the LAPD as well as activities in-progress, and compares the recommendations with related initiatives set forth in the Department's overall Strategic Plan. The report ultimately concludes that a little over half of the relevant Task Force recommendations are already codified in Department policy or are otherwise an existing practice. According to the report, the remaining recommendations are each aligned with specific activities outlined in the Strategic Plan, to be completed by the year 2020.

The OIG's review represents another step in the process of evaluating and implementing these national best practices. As described in the Task Force's accompanying Implementation Guide, success in realizing the recommendations "will require collaboration and partnership" among local officials, law enforcement agencies, and the communities they serve.⁵ The report recommends formalizing this collaboration by appointing a working group that would include representatives from the community and the Department, as well as police unions, to review the recommendations and plan for how to address them.⁶ Another important principle set forth in Implementation Guide is the importance of listening -- whether formally or informally -- to the community and of creating opportunities for meaningful dialogue with Department employees and members of the community.⁷ As described in the following sections, many of these processes have already begun. This report also offers several additional recommendations for the full implementation of Task Force principles and recommendations in the selected areas.

III. PROCEDURAL JUSTICE AS A GUIDING PRINCIPLE

One of the Task Force's overarching recommendations is that law enforcement culture embrace a "guardian mindset" to build public trust and legitimacy, and that agencies adopt the concept of procedural justice as the guiding principle for their policies and practices, both external and internal.⁸ As part of this process, the Task Force recommended that agencies "acknowledge the role of policing in past and present injustice and discrimination" and the difficulty this poses in building community trust.⁹

The Task Force also emphasizes the importance of promoting legitimacy internally by applying the principles of procedural justice.¹⁰ As noted in that report, research has shown that officers' perception that they are respected by their leaders and their fellow officers makes it more likely that they will "accept departmental policies, understand decisions, and comply with them

⁵ "President's Task Force on 21st Century Policing Implementation Guide: Moving from Recommendations to Action," Office of Community Policing Services (COPS), 2015, Page 5. Available at https://cops.usdoj.gov/pdf/taskforce/Implementation_Guide.pdf.

⁶ *Id.*, Page 15.

⁷ *Id.*, Page 5.

⁸ Task Force Recommendation 1.1.

⁹ Task Force Recommendation 1.2.

¹⁰ Task Force Recommendation 1.4.

voluntarily.”¹¹ The report also puts forth the idea that internal legitimacy and respect will translate into respectful encounters with the community. The Task Force therefore recommends that agencies examine ways to meaningfully solicit officers’ input about department practices and policies and to incorporate procedural justice principles into the disciplinary process. As part of that process, the report recommends that agencies place importance on adherence to values rather than rules and that they include police unions as partners in this process.¹²

A. Overview of Concepts

1. The guardian mindset

The guardian mindset is set forth in contrast to that of the general concept of the warrior, and emphasizes the role of the police in protecting the community and its freedoms (guardian), rather than coming in to “rule and control” it (warrior).¹³ Although there have been historical similarities between policing and the military in terms of training and organizational culture, researchers in this area focus on three primary differences between the two. First, the mission of the police is to protect the community rather than to conquer it. Second, officers in the field are expected to use discretion and make independent decisions, rather than simply following orders. While the rules of engagement for soldiers may be set in advance, police officers’ roles often “evolve as the incident unfolds.”¹⁴ Finally, police officers should be a part of the community they police, rather than an outside entity.

In discussing these differences, the Task Force notes that the military-style culture of law enforcement agencies may conflict with attempts to implement sustainable change. To overcome this issue, and as a way to promote changes in police culture, the Task Force recommends the explicit adoption of procedural justice as the guiding principle for all policies and practices.

2. Procedural justice

Procedural justice, sometimes called procedural fairness, refers to the premise that a person’s belief that they have been treated fairly during an encounter or proceeding is often more important to establishing a sense of legitimacy than is the outcome of that encounter or proceeding. For example, a person who is given a traffic ticket may believe that the citation was legitimate if they feel they were treated fairly during the traffic stop, while one who does not receive a ticket but feels that they were treated in a disrespectful manner may feel that they were

¹¹ Task Force, Page 10. *See also*: Nicole Haas et al., “Explaining Officer Compliance: The Importance of Procedural Justice and Trust inside a Police Organization,” *Criminology and Criminal Justice* (January 2015) and COPS Office, “Comprehensive Law Enforcement Review: Procedural Justice and Legitimacy.” Available at <http://www.cops.usdoj.gov/pdf/taskforce/Procedural-Justice-and-Legitimacy-LE-Review-Summary.pdf>.

¹² Task Force Items 1.4.1 and 1.4.2.

¹³ Task Force, Page 11.

¹⁴ Sue Rahr, “Transforming the Culture of Policing from Warriors to Guardians in Washington State,” *International Association of Directors of Law Enforcement Standards and Training Newsletter*. 25, no. 4 (2014): 3-4. Quoted in Task Force, Page 11.

treated unfairly. Similarly, the way an officer is treated during a disciplinary process may have more of an impact on their perception of the system's fairness than does the ultimate outcome.

Applying these principles has implications beyond building general trust and legitimacy for the police department. Research has found that people “are more likely to obey the law when they believe that those [...] enforcing it have the legitimate authority to tell them what to do.”¹⁵ As such, ensuring a sense of procedural justice may also help to gain cooperation during difficult encounters, thereby de-escalating incidents and reducing the need for the use of force. A sense of procedural justice may also lower the incidence of complaints.

As explained by the Task Force, the concept of procedural justice centers on four primary principles:

- treating people with dignity and respect;
- giving individuals a voice, or opportunity to explain their perspective, during encounters;
- being neutral and transparent in decision-making, indicating that rules are applied consistently and fairly; and
- conveying trustworthy or well-intentioned motives, in that the person can understand why the action is being taken.

These concepts are certainly not new to the profession of policing, and have long been taught to officers in terms of how to interact with members of the public, gain cooperation, and de-escalate tense situations. The overall concept of procedural justice as a guiding principle, however, has come to prominence as an important value for agencies working to increase their legitimacy and build trust with the community.¹⁶ As a result of this new focus, the U.S. Department of Justice has collaborated with John Jay College of Criminal Justice and other agencies to create the National Initiative for Building Community Trust and Justice, which includes a number of resources to assist agencies in enhancing procedural justice, reducing the impact of implicit bias, and fostering reconciliation.¹⁷

The Task Force makes the case that adopting the principles of procedural justice should extend beyond simply training officers to implement its principles during encounters in the field -- that those principles should be a guiding value for the development of all policies and practices, as well as for the way that the Department itself interacts with the community at large. No less importantly, the report recommends that agencies move to ensure that the concepts of procedural

¹⁵ Task Force, Page 1.

¹⁶ See, for example, “Legitimacy and Procedural Justice: A New Element of Police Leadership,” Police Executive Research Forum, March 2014; “IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust,” International Association of Chiefs of Police, January 2015; and Kunard, L. and Moe, C., “Procedural Justice for Law Enforcement: An Overview,” Center for Public Safety and Justice, 2015.

¹⁷ See <https://trustandjustice.org>.

justice also guide their internal practices, particularly the disciplinary system, to ensure that officers also feel that they are being treated fairly.

The Task Force's other recommendations are designed to provide practical steps to assist agencies in promoting legitimacy and procedural justice, and will be discussed in greater detail throughout the report.

B. Adopting Procedural Justice as a Guiding Value

The LAPD has long incorporated principles such as guardianship, service, and respect for the dignity of others into its motto -- "To Protect and To Serve" -- and its official Core Values, which include, for example, "Service to Our Communities" and "Respect for People." The Department also maintains a set of high-level management principles that describe, among other goals, the importance of developing and cultivating police legitimacy: "The ability of the police to perform their duties is dependent on public approval of police existence, actions, behavior, and the ability of the police to secure and maintain public respect." These principles and related objectives further emphasize the importance of police-community trust and cooperation, openness and honesty with the press and the public, and reverence for human life.¹⁸

Despite these stated values and principles, however, there have been times in the LAPD's past when civil unrest and misconduct scandals have brought to light serious questions about the Department's legitimacy with the public.¹⁹ Over the past decade and a half, the Department has made great strides -- both as the result of Consent-Decree-mandated reforms and through its own initiative -- in confronting its past, transforming its relationship with the public, and emphasizing relationship-based community policing over results-oriented enforcement.

1. Training strategy

As part of this process, the Department has developed a series of trainings focused on building community trust and maintaining legitimacy, two of which are described here.²⁰ Other efforts, such as improvements in transparency and accountability, and the expansion of relationship-based policing, are also described in the following sections of this report.

a. Public Trust and the Preservation of Life Course

In the summer of 2015, the Department sent all officers through a 5-hour training called "Public Trust and the Preservation of Life" that centered on many of the concepts referenced by the Task Force, including the guardian vs. warrior mentality. The training directly addressed the issue of community trust and legitimacy, emphasizing the importance of working with the community as a partner. The training session also provided an overview of the history of policing and the role

¹⁸ LAPD Manual 1/100-115. "Motto of the Department," "Core Values," "Management Principles."

¹⁹ "For LAPD's chief, a transformation," Charlie Beck, *Los Angeles Times*, April 30, 2012.

²⁰ The Fair and Impartial Policing curriculum, discussed in the following section, also includes training on procedural justice and is expected to be rolled out to officers at all levels of the Department. For a discussion of those efforts, please see Page 15.

that it has played in past injustices, highlighting the LAPD's role in precipitating events such as the Watts Riots, Operation Hammer,²¹ and the civil unrest following the Rodney King incident. It also mentioned other characteristics that have eroded the Department's relationship with the community in the past, such as a lack of empathy at crime scenes, use of force, zero tolerance policies, and confrontational crowd management practices.

The training also focused on procedural justice (though not necessarily by that name) and legitimacy, noting that actions by even a few police officers can impact the relationship of the entire Department with the community. Emphasizing the importance of each interaction, the training reminded participants of the importance of treating people with respect and empathy, allowing community members to provide their perspective, following the rules, and acting with credibility and integrity.

These topics were supplemented by sessions relating to other principles referenced by the Task Force and PERF in their reports, including those relating to the preservation of life, use of force, de-escalation, interactions with the mentally ill, building relationships with the community, and constitutional policing.

b. Police Sciences and Leadership (PSL) Course

In January 2016, the Department officially implemented the first of a series of two-week leadership courses designed to follow and develop new officers as they progress through their first five years in the Department. "PSL I," as the first phase is known, brings back one full Academy class in the 11th month of their one-year probationary period for an opportunity to reflect on their experiences in the field and build on what they learned in the Academy. Entitled "Building the Community Leader," the first week of the program focuses on community policing concepts and includes sessions on effective communication, implicit bias, procedural justice, use of force philosophy and de-escalation, and the guardian mindset. A particular emphasis of the course was on the importance of incorporating empathy and critical thinking into all interactions with the community. During the second week, participants attend the week-long Mental Health Intervention Training, which builds on and expands the concepts of the first week in training officers about effective and empathetic interactions with persons with mental health and other disabilities.

The OIG attended a full session of the PSL I course and found that the content of the training was well aligned with the principles and values set forth by the Task Force and PERF. Not only did it effectively present the concepts of implicit bias, procedural justice, and the guardian mindset, it also touched on many other areas addressed by the Task Force and PERF. These included, for example, in-depth discussions about the sanctity of life, rendering aid, de-

²¹ Operation Hammer was an anti-gang initiative, begun in 1987, involving mass sweeps and arrests of thousands of suspected gang members. In one related incident, more than 80 officers conducted a raid that destroyed units in two apartment buildings. That incident resulted in \$3 million in civil settlements, 38 officers receiving disciplinary penalties, and four officers being criminally charged. See: "Police Arrest 1,092 in Weekend Sweeps; Gang Killings Continue," *Los Angeles Times*, October 2, 1989, and "The raid that still haunts L.A.," *Los Angeles Times*, March 14, 2001.

escalation, and building strong relationships with the community. The OIG also found that the facilitated format and a high quality of instruction combined to produce a high level of engagement, insight, and enthusiasm from the participants. On the final day, the students made group presentations about their ideas for building community trust, which were quite thoughtful and demonstrated a strong grasp of the subject matter.

Overall, the OIG found the training to be an effective way to meaningfully develop new officers' leadership and communication skills while emphasizing and reinforcing the agency's core values. The training also provided an opportunity for the participants to reflect on their first year of experiences in the field. Importantly, the program encouraged students to think critically for themselves and to stand up for doing the right thing, even when in conflict with the advice of more tenured officers. The OIG noted that in discussing these issues, some participants expressed frustration with Commission expectations, the constraints of numbers-focused policing, and with their perception that some of the community-policing concepts had not been as clearly emphasized earlier in their career. Some students also noted that their training officers had not necessarily modeled or supported the concepts taught in the course. This type of feedback may be useful to the Commission and Department leaders as they continue the work of implementing the tenets of community policing and consider ways to enhance communication, as described in a later section.

The second phase of the course, "PSL II," is slated to begin in late 2017, and will bring these same students back two years after their first PSL training. Although the content is still in development, it is expected to continue building on the concepts of PSL I, focusing on effective communication, procedural justice, de-escalation, use of force, and advanced tactics. This training is also expected to emphasize the importance of rendering aid to members of the public and serves as the required First Aid/CPR refresher for those students who attend the course. The third and final phase of PSL will be implemented an additional two years later, and will continue to build and develop the participants as they complete their fifth year of employment with the Department.

When fully implemented, the OIG expects that the PSL program will be an important component of the Department's efforts to develop leaders who are committed to the concepts of procedural justice and the guardian mindset, and that this will help develop skills and practices that strengthen trust and engagement with the community. The Department should work to strengthen and support the program by ensuring that it has sufficient available staff with the proper orientation, experience, and skill level to effectively develop and teach this complex and important content. As described in a later section, the Department should also continue its efforts to develop ways to measure the impact of this and other trainings on officers' performance in the field.

2. *Implementing procedural justice*

The LAPD already has many systems in place to provide transparency about its processes and procedures, and to allow members of the public to give feedback and provide their perspective -- whether through meetings of the Police Commission, community forums, or surveys. The Department should consider other ways to ensure that procedural justice principles are woven into all aspects of LAPD practice. These principles are already present in many areas of Department practice. For example, the LAPD uses an eight-step model for traffic stops that trains officers to provide the person stopped with a friendly introduction, an explanation of the reason they were stopped, an opportunity to explain their situation, and a description of the process and next steps.²² Another example of a system that incorporates procedural justice principles is the LEAPS interview protocol, which reminds officers to Listen, Empathize, Ask, Paraphrase, and Summarize.

The State's Commission on Peace Officer Standards and Training (POST) has already begun to work on incorporating the concept of procedural justice into each of its required entry-level training topics, known as Learning Domains, which will provide a training foundation in the topic for the Department to build upon. Additional strategies the Department might consider include reviewing new and current policies and procedures to ensure they incorporate procedural justice principles, developing formal and informal processes to explicitly evaluate officers' adherence to these concepts in their interactions, and continuing to look for ways to provide the public with transparency and information about the Department's practices and procedures.

C. Internal Procedural Justice

While much of the Task Force report focuses on applying procedural justice to relationships between police and the public, it also emphasizes that these measures must be accompanied by mechanisms designed to promote legitimacy internally.^{23, 24} As such, the report recommends that law enforcement agencies examine ways to incorporate procedural justice principles into the disciplinary process, and to ensure that disciplinary processes and results place importance on officers' adherence to agency values, rather than simple obedience to rules. Finally, the report recommends that police unions be brought in as partners in this process.²⁵

Although the OIG monitors the disciplinary process on behalf of the Commission, disciplinary authority at the LAPD is the sole purview of the Chief of Police. The Department maintains a complex system for the investigation, adjudication, and imposition of discipline relating to personnel complaints, much of which was developed as part of the Consent Decree reform process designed to assure greater accountability for police misconduct. The process also

²² "What the LAPD is doing to make traffic stops safer," *Los Angeles Times*, August 19, 2015.

²³ Task Force 1.4.

²⁴ See also Tyler, T., Atiba Goff, P., and Trinkner, R., "Justice from Within: The Relations between a Procedurally Just Organizational Climate and Police Organizational Efficiency, Endorsement of Democratic Policing, and Officer Well-being." *Psychology, Public Policy and Law*, May 2016.

²⁵ Task Force Recommendation 1.4.2.

includes a number of legal protections for officers and several layers of review and appeal. The final layer of review, a quasi-judicial appeals process known as the Board of Rights for serious discipline, can ultimately overrule the Chief's decision by a majority vote.

Despite these protections, however, the LAPD's system has come under sustained criticism from officers in recent years, many of whom view it as opaque and inconsistent in its adjudication of allegations as well as in how disciplinary penalties are applied. Notably, widespread complaints by officers following the Dorner-related events of 2013 resulted in a review by the Department of its most serious disciplinary cases, as well as a series of anonymous focus groups with officers at various levels of the organization. The report found perceptions among officers that: the system was biased toward or against some officers based on their race, gender, or rank; the Department was initiating an excessive number of complaints based on frivolous or minor complaints; friends and family members of high-ranking officers were protected from discipline; the process was not transparent; Board of Rights hearing officers could not be impartial due to the influence of the Chief; and investigations and penalties were inconsistent and unfair.²⁶

That report also included an analysis of selected disciplinary data which, according to the Department, did not support concerns about bias with regard to directed Board of Rights hearings. The OIG notes that this analysis was limited to those cases in which an employee was directed to a Board of Rights (indicating serious discipline) or those who chose to go to a Board to appeal lesser discipline, which occurred for about one quarter (23 percent) of all sustained allegations. The report resulted in the development of a series of recommendations to promote fairness, consistency, and awareness of the disciplinary system; develop a system to prioritize certain investigations; and promote alternative resolutions where appropriate. Subsequent changes implemented by the Department included the creation of a discipline matrix to provide greater consistency and transparency in the system, the development of a process to analyze grievances received by officers, and the introduction of a specialized conflict resolution training program for Department supervisors and command staff.^{27, 28} Despite these efforts in progress, however, officers have continued to express frustration with the disciplinary process.

²⁶ "Perspectives on the Disciplinary System: Insights from the Men and Women of the LAPD," Los Angeles, Police Department, November 14, 2014. Available at http://www.lapdpolicecom.lacity.org/111814/BPC_14-0412R.pdf.

²⁷ See "The President's Task Force on 21st Century Policing: Report" Los Angeles Police Department, June 2016.

²⁸ This program was developed in partnership with the Strauss Institute for Dispute Resolution at the Pepperdine School of Law. The four-day program, Conflict Resolution for Law Enforcement Personnel, teaches first-line LAPD supervisors skills to identify, prevent, and address workplace conflicts with the goal of preventing these from escalating or becoming disciplinary or liability issues. The course has recently been adapted for command officers as well. The program, which began in December 2015, has trained over 300 personnel to date. See: "The Los Angeles Police Department's Third Quarter, 2015, Risk Management and Harm Reduction Strategy Status Report," Los Angeles Police Department, December 10, 2015. Available at http://www.lapdpolicecom.lacity.org/121515/BPC_15-0400.pdf.

Criticism of the LAPD discipline system has also played out externally, including a number of lawsuits alleging retaliation.²⁹ One persistent allegation is that the Chief has at times exerted influence over sworn members of the Board of Rights. Meanwhile, a study has found that a majority of the Chief's recommendations were overturned by the Board.³⁰ In response to complaints about the disciplinary system, the City Council has recently placed a measure on the ballot that, if approved by voters, would allow officers to select a Board composed of all civilian members.³¹

As described at the beginning of this section, research shows that a sense of procedural justice -- that one has been treated fairly throughout the process and that the system itself is neutral and transparent -- can be more important to establishing legitimacy than an individual outcome. This may be particularly true in a system where much of the process and its result is, by necessity, confidential. While discipline will never be popular, the Department should consider conducting ongoing evaluations of the disciplinary structure to ensure that procedural justice principles are being incorporated. Such a review would build on the Department's previous work in this area and might include the following components:

- Ensuring that officers who undergo disciplinary proceedings are treated with dignity and respect.
- Regular Department-wide survey of officers on their perspectives of and experiences with Department supervision practices and the discipline system.
- Consideration of whether there are additional opportunities to provide officers involved in the disciplinary system a voice in their case(s).
- Consideration of whether there are opportunities to provide additional transparency about the process and its results.
- Regular, ongoing analysis of disciplinary outcomes to ensure fairness and consistency across complaint types, ranks, geographic areas, and demographic groups.
- Ensuring that justifications for any inconsistencies in disciplinary outcomes are properly articulated.³²

²⁹ See, for example, "Employee Litigation Audit," Office of the Inspector General, June 2013, http://www.lapdpolicecom.lacity.org/070213/BPC_13-0235.pdf. See also: "LAPD union files suit against Chief Charlie Beck," *LA Daily News*, May 19, 2016.

³⁰ "Options Related to Charter Section 1070 - Police Department Board of Rights Panels," Report of the Chief Legislative Analyst, January 6, 2017. Available at http://clkrep.lacity.org/online/docs/2016/16-1331_rpt_CLA_01-06-2017.pdf.

³¹ "City Council approves ballot measure that could put more civilians on LAPD discipline panels." *Los Angeles Times*, January 24, 2017.

³² See Task Force Action Item 1.4.2.

The OIG has also noted frustration among officers with the system for adjudicating serious use of force incidents, known as Categorical Use of Force (CUOF) incidents. Here, again, there have been complaints that the system is unfair and inconsistent, and that Police Commission's adjudication of the system is influenced by public opinion. The Department is currently taking steps to improve the process by providing more transparency and support to officers during the process, as well as more opportunity for feedback. While it is hoped that this will have some impact on officers' perception of the system, the Department may want to look for additional ways to increase transparency of the process here as well, while still maintaining confidentiality as required by law.

D. Recommendations

- The Department should continue to look at ways to incorporate procedural justice into all aspects of Department process and practice, including development of policies and procedures, evaluation of officers' performance, and the provision of information to the public.
- The Department should ensure that historical documents and reports regarding the LAPD, such as reports on the Consent Decree, Christopher Commission, and Rampart Incident, are available on the Department's website, and that discussion of LAPD's past is included in Department trainings where appropriate.
- The Department should continue to develop the Police Sciences and Leadership series, ensuring that the program has sufficient staffing and support.
- The Department should conduct an in-depth evaluation of the disciplinary system, to include an employee survey, and identify ways to improve procedural justice internally.

IV. PREVENTING BIASED POLICING

The Task Force emphasizes that a key component of procedural justice in interactions with the community -- often called fair and impartial policing -- is "understanding and acknowledging human biases, both explicit and implicit." As such, it recommends that teaching officers to mitigate bias in their decision-making should be "a part of training at all levels of a law enforcement organization."³³ As a related issue, the Task Force also recommends that agencies "adopt and enforce policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency."³⁴

The LAPD defines racial and identity profiling as "biased policing," and has long had a policy prohibiting such actions, which it classifies as serious misconduct. This policy and attendant investigative protocols, which are quite comprehensive, were developed in conjunction with

³³ Building Community Trust, Page 11.

³⁴ Task Force Recommendation 2.13.

reforms mandated by the federal Consent Decree in 2001. As part of that process, as well as to comply with related state laws, the Department has developed a variety of trainings relating to racial profiling, biased policing, and cultural diversity.

In recent years, the Department has also implemented a biased policing mediation program, which provides a complainant and the accused officer an opportunity to meet face-to-face in a mediated setting in lieu of a complaint investigation. This process was developed to promote better understanding between officers and the community on this sensitive issue, with the understanding that it may provide a more meaningful resolution than proceeding with a complaint investigation.³⁵

In November, 2016, as part of a special hearing by the Commission on the topic of Biased Policing, the Department compiled a detailed report on its efforts to prevent and eliminate this type of misconduct. A full description of the Department's programs and systems are contained in that report.³⁶

A. Addressing Implicit Bias

The topic of implicit bias has emerged as an important part of the national conversation about fair and impartial policing. In contrast to explicit bias, which may be overt or deliberate, implicit bias generally operates below the level of awareness and consists of unconscious or automatic associations regarding a particular group or characteristic. Although the discussion of implicit bias often centers on race, biases can develop around any group characteristic, including gender, religion, class, sexual orientation, and others.

This emerging focus on implicit bias reflects the limits of relying on more traditional strategies that work to identify or defeat overt biases, such as an emphasis on the investigation of complaints, detailed anti-bias policies, and training on racial profiling and cultural competency. While these must play an important role in any agency's approach, the unconscious nature of implicit bias -- and the fact that it affects even well-intentioned people who consciously reject prejudiced beliefs -- indicates the need for the implementation of new strategies to mitigate its impact on policing.

Such strategies may include training officers in the science of human bias and providing them with steps they can take to recognize and thwart its effect on their behavior. A primary strategy is, for example, applying procedural justice principles in every interaction. For supervisors, these strategies may also include ways for them to identify and address potentially biased policing in their subordinates, with the understanding that these indicators may be more ambiguously presented than those of overt bias.

³⁵ As discussed later, such complaints have proven difficult to sustain.

³⁶ "Report of the Los Angeles Police Department on the Prevention and Elimination of Biased Policing," Los Angeles Police Department, November 15, 2016. Available at http://www.lapdpolicecom.lacity.org/111516/BPC_16-0391.pdf.

Training for agency managers focuses on the implementation of systemic approaches to mitigate implicit bias in officers' actions. These approaches may include, for example, the development of policies and practices that appropriately manage officer discretion and require clear articulation of decision-making. Systemic approaches may also include the analysis of data and the incorporation of multiple levels of review from different perspectives.

1. Training strategy

a. Department-wide training

At the direction of the Commission, which has secured private funding for this purpose, the LAPD began a Department-wide training on implicit bias at the end of March 2017. The training is being provided by Dr. Bryant Marks, a national expert on implicit bias and professor of psychology at Morehouse College. Dr. Marks has also served as an advisor to the White House and was selected to provide implicit bias training to a group of police chiefs during a recent White House briefing on "Advancing 21st Century Policing," one goal of which was to assist agencies in implementing the Task Force recommendations.

The training will be provided to all Department employees over a series of four-hour sessions, with approximately 100 employees attending each session. Each four-hour session will provide an overview of implicit bias, including how it is measured, its potential impact, and ways that it can be reduced. The course features an anonymous polling technique that encourages participants to talk about their perceptions on difficult issues and to compare these with others' views. The course also incorporates a detailed overview of the Task Force report itself and how some of the recommendations can assist agencies in addressing and mitigating implicit bias.

The Department held a preview and feedback session with Dr. Marks, attended by all LAPD training coordinators, and began providing the training to officers on March 27. Given the sensitive and challenging nature of this topic, the Department must continue to ensure that the training is primed for success by assuring that divisional training and command staff support the program and its goals. LAPD leadership has repeatedly emphasized to these staff the importance of showing leadership on this issue, and should continue to track this issue to ensure that this is the case.

b. The Fair and Impartial Policing curriculum

The Department has also been working on incorporating implicit bias training into its ongoing courses for officers at all levels. For this process, it relies primarily on a curriculum known as Fair and Impartial Policing (FIP), which also incorporates the topic of procedural justice. The FIP curriculum was developed by Dr. Lorie Fridell, a professor at the University of South Florida who is a nationally recognized expert on biased policing, in collaboration with the United States Department of Justice (DOJ) Office of Community Oriented Policing Services. The basic course, which includes three modules over six hours, focuses on the science of human bias – particularly implicit bias – and the importance of building police legitimacy. It then presents the principles of procedural justice as a method to mitigate the effects of implicit bias and to produce

fair and impartial policing. This curriculum is used by the U.S. and California Departments of Justice, as well as many other jurisdictions across the country.

The first FIP training provided to the LAPD was a management-level course provided to all command staff in December 2014. The Department then sent 23 employees – known as the “FIP Cadre” – to a train-the-trainer course in October 2015, and has since been working on incorporating the curriculum into various courses at all levels. As of now, components of FIP have been incorporated into the following trainings:

- LAPD Academy: training for LAPD recruits, prior to their graduation to employment with the Department. Although this training does not use the FIP curriculum, it includes similar topics on racial profiling, unconscious bias, and other related issues (ongoing).
- Police Sciences and Leadership (PSL) Course I: a leadership course for probationary officers, described in the previous section (approximately monthly since January 2016).³⁷
- Field Training Officer (FTO) Update: a mandatory refresher course for officers assigned to training probationary officers (approximately twice a month since June 2016).
- Command Development: a class for candidates eligible for promotion to the position of Police Captain (yearly beginning in January 2017).

The Department has also reported that it is working to incorporate the curriculum into Supervisor School for sworn officers, as well as trainings for civilians and civilian supervisors.³⁸

c. OIG observations

The OIG initially attended and observed one session each of the courses that had been implemented on an ongoing basis during its study – one session of the PSL I and the FTO Update.^{39, 40} During this first round, the OIG noted that while the implicit bias content in the PSL course was well received by the participants, who were generally younger officers on the

³⁷ This course was previously discussed on Page 8.

³⁸ As noted, the Department has made several presentations to the Commission on its efforts to address biased policing, with a special focus on the Fair and Impartial Policing curriculum, in recent months. A full description of these measures, as well as current and planned trainings, can be found in its November 2016 report on this topic: “Report of the Los Angeles Police Department on the Prevention and Elimination of Biased Policing,” Los Angeles Police Department, November 15, 2016.

³⁹ The PSL I session observed by the OIG did not specifically incorporate the FIP curriculum, but presented similar information in a discussion-oriented format. The training has since been modified to include additional content from FIP and to test for and reinforce the Task Force concepts on the final day.

⁴⁰ In preparation for this report, OIG staff also attended a FIP Train-the-Trainer course held by Dr. Fridell’s staff as well as a second course for law enforcement leaders, “Preventing Community Crisis: Implicit Bias, Procedural Justice and Police Community Partnerships,” developed by the Northwestern University Center for Public Safety. In March 2017, OIG staff attended a third training on these topics, known as “Principled Policing,” a POST-certified course developed in conjunction with the California Department of Justice, Stanford University, selected local police agencies, and other partners.

verge of completing their one-year probation, this was not generally the case for the officers attending the FTO course. Although the quality of instruction was high, the OIG noted substantial resistance by the FTOs -- who are generally officers with significant tenure at the Department -- to concepts and research presented during the training, as well as to the overall purpose of the training itself. This response by the participants appeared to significantly diminish the overall effectiveness of the training.

This issue highlights the inherent difficulty of conducting biased policing training, particularly to officers who may have attended many different iterations in the past. The original FIP Instructor Guide acknowledges this, noting that, even when carefully presented, trainees may “question [its] value or necessity,” “see the training as accusatory,” be “defensive and reluctant to actively participate,” and assume that it “will only restate what they know.”⁴¹ The OIG observed each of these reactions during its initial attendance at the FTO Update course, and learned that these responses were representative of the difficulty trainers had faced in presenting the course in previous sessions.

Following the OIG’s initial attendance at the FTO training, the Department, through its Police Training and Education (PTE) unit, re-evaluated its approach and made several changes in the presentation of the class. Some of the changes included an extensive introduction that reframed the training as one that will assist the FTOs in identifying and addressing potential bias in their trainees. Although this did not remove the overall emphasis on officers learning to identify and manage their own unconscious biases, this approach appeared to neutralize much of the resistance by participants and allow them to focus on the information at hand.

The OIG attended the revised version of the training and noted a significant change in the participants’ reception to the material. Although the content was much the same as previous sessions, there was relatively little resistance to the material, and many of the participants made thoughtful and insightful comments that indicated their understanding and agreement with the concept of procedural justice and other related principles.

The OIG commends the Department on having moved quickly to assess and address the concerns identified in its initial rollout of the training. That said, it is still too soon to know whether the new approach will continue to be successful, or whether the particular session observed by the OIG was exceptional due to the makeup of the class, the presence of the observers from the FIP Cadre and OIG, or other factors. As the training proceeds, the Department should, on an ongoing basis, evaluate and revise the material and presentation as necessary to ensure that it continues to be effective and well received by the participants.

In discussions with the OIG, the Department has also indicated its intention to develop a more in-depth “quality control” mechanism for trainings, which would include course audits and the development of measures to determine the impact training has on Department practice.

⁴¹ Fridell, L.A. and Laszlo, A.T., “Fair and Impartial Policing: The Instructors’ Guide,” 2012, U.S. Department of Justice, Office of Community Oriented Policing Services, Page 5.

Although this has been hampered by difficulty obtaining resources for such a project, its leadership is currently examining ways to move forward with such a project.

Finally, given the Department's commitment to addressing implicit bias, as well as the influential training role played by FTOs, the Department should also continue to assess whether each FTO appropriately embodies and models the LAPD's values. The OIG notes that, per Department policy, FTOs must meet and maintain certain eligibility requirements, which include "demonstrated analytical skills, cultural and community sensitivity, diversity and commitment to police integrity that meet or exceed standards." These eligibility requirements were implemented as a result of the Consent Decree and reflect the crucial role FTOs play in training the new generation of police officers.⁴²

Policies relating to the selection of FTOs state that each must maintain proficiency in the eligibility requirements and comply with recertification requirements -- in this case, completing the FTO Update. Department policy makes commanding officers responsible for remediating or reassigning an FTO who "fails to successfully complete an FTO certification or recertification course."⁴³ The Department should consider whether FTOs who reject or are otherwise unable to satisfactorily complete the Fair and Impartial Policing component of the recertification course, or who demonstrate a lack of community or cultural sensitivity, should continue to train new officers. The OIG will continue to monitor this issue over the coming months.

d. Staffing model

The OIG has noted that both the PSL and FTO Update courses rely extensively on adjunct instructors who may not have the availability -- or the preparation -- to effectively run the course. As of this writing, the PSL I course has only one permanent staff member, who is also assigned to develop and implement the next phase of the program, while FIP relies entirely on adjunct instructors from the cadre. The OIG has observed that many of these adjunct staff have difficulty being released from their full-time assignments to conduct training due to obligations in their regular assignments. Most notably, it appears that, of the 23 initial FIP Cadre members, only three have been actively involved in providing training, whether due to availability or other issues affecting their ability to effectively teach the course. The OIG has learned, however, that the Department is moving to re-activate the other members of the cadre and has recently expanded the group by sending additional instructors through the FIP "train-the-trainer" course.

Given the importance of these programs to the Commission and the community, the Department should ensure that each course has sufficient available staff with the proper orientation and skill level to effectively develop and teach the course. Specifically, the Department should evaluate its current staffing model to determine whether using dedicated, permanent training staff would be preferable to the current adjunct model. The OIG has already begun conversations with the Department on this issue, which has indicated that it is willing to undertake such an examination.

⁴² LAPD Manual 3/763.85, "Field Training Officer Qualification and Selection/Assignment Requirements."

⁴³ LAPD Manual 3/763.89, "Commanding Officer's Responsibility."

As noted previously, the Department is also working on a quality-assurance mechanism for this and other trainings.

The Department should also evaluate its current deployment practices to ensure that patrol operations have the capacity to send both instructors and participants to scheduled training as necessary. The OIG is aware of instances where officers have been unable to attend or teach scheduled training due to operational needs in the community. As officers assigned to patrol have primary responsibility for responding to radio calls, the Department must continuously work to balance its training needs with operational requirements, which can be a challenge.⁴⁴ As described later in this report (see page 45), the Task Force recommends that agencies evaluate their deployment practices to ensure officers have sufficient time to engage in community policing activities. The LAPD should also review its deployment data with respect to training.

2. Taking steps to mitigate implicit bias

The Commission and Department have taken several steps to implement some of the lessons learned from research and training on implicit biases. These efforts acknowledge the limitations of traditional approaches to identifying and preventing discriminatory behavior, and look for new ways to address biased policing that may be implicit or unconscious in nature.

One of the primary lessons of research on implicit bias is that it is both unintentional and operates below the level of awareness. As mentioned earlier, much of the traditional enforcement of the prohibition on biased policing -- such as the investigation of biased policing complaints -- is focused on identifying explicit or deliberate bias for the purposes of holding officers accountable. Because such investigations are focused on intent, they are hard to prove. In its discussion of biased policing investigations, for example, the Department notes that biased policing is “likely to be hidden in the accused officer’s beliefs rather than conspicuous or overt,” making it “very difficult” to sustain as an allegation of misconduct.⁴⁵ In fact, the Department has never fully substantiated a complaint of biased policing.⁴⁶

While investigations of biased policing must nonetheless continue in order to remain vigilant for instances where biased policing is deliberate and egregious, the emerging research on implicit bias reveals the limitations of relying solely on this approach. One step that the Department has taken in recent years is the implementation of a biased policing mediation program, which provides a complainant and the accused officer an opportunity to meet face-to-face in a mediated setting in lieu of a complaint investigation.⁴⁷ This process may prove more satisfying to a complainant than a full investigation, which, based on history, is likely to find that the

⁴⁴ See “Challenges to Increasing RBT” in Police Commission Presentation on Training for Use of Force & Reality Based Training, Los Angeles Police Department, January 31, 2016

⁴⁵ *Id.*, Page 41.

⁴⁶ “Report of the Los Angeles Police Department on the Prevention and Elimination of Biased Policing,” Los Angeles Police Department, November 15, 2016. The report cites one case that was sustained but overturned by a Board of Rights, the Department’s appeals board for sworn members.

⁴⁷ *Id.*

allegations are not sustained. In keeping with the principles of procedural justice, mediation can also promote legitimacy and lead to a better understanding between officers and community members about each person's perspective. The meeting might also provide the complainant with a better understanding about the Department's practices and to better understand why decisions were made.⁴⁸ A recent study of the program found that approximately 77 percent of complainants and 89 percent of officers were either "very satisfied" or "somewhat satisfied" by the mediation process.⁴⁹ The Department should continue to look for ways to expand this program and remove barriers to participation.

A second important lesson from research on this topic is that all humans hold implicit, or subconscious, biases, even if they consciously reject prejudice, and these biases can lead to discriminatory behavior.⁵⁰ These biases exist regardless of race, gender, or occupation, and are not unique to police officers. They also may not manifest through the official complaint system. Recognizing this, the Commission has recently taken steps to expand the Department's efforts to mitigate implicit bias beyond providing training alone. It is exploring ways to create metrics and systems to measure and identify areas of concern and to incentivize the type of activities that increase community engagement and trust.

Some of the strategies identified by researchers may include the following:

- **Individual officers:** When it comes to individual officers, research has shown that a primary strategy to mitigate implicit bias includes working to recognize one's own bias and thwart its effect on one's behavior. Such steps may include, for example, making positive contacts with stereotyped groups, exposure to counter-stereotypes, and applying procedural justice principles in every interaction.⁵¹ While some of these strategies can be self-directed, the Department should also look for ways to provide officers with the opportunity to learn about and interact with different populations in a non-enforcement setting, and to expose officers to counter-stereotypes.⁵² One example of a program that does this, for example, is the Force Options Simulator (FOS), which uses counter-stereotypes to train officers to look beyond appearances to focus on the specific circumstances unfolding during each simulation.⁵³

⁴⁸ The Department has also recently expanded its mediation program to also include allegations of discourtesy.

⁴⁹ "Evaluation of the Biased Policing Complaint Mediation Pilot Program for the Board of Police Commissioners," Los Angeles Police Department, February 10, 2017. Available at http://www.lapdpolicecom.lacity.org/021417/BPC_17-0046.pdf.

⁵⁰ See Banaji, M.R. and Greenwald, A.G., "Blindspot: Hidden Biases of Good People." New York: Delacorte Press, 2013.

⁵¹ Fiske, S., "Are we born Racist?" *Greater Good*, V(1), 2008, pages 14-17.

⁵² Peruche, B.M., & Plant, E.A., The correlates of law enforcement officers' automatic and controlled race-based responses to criminal suspects. *Basic and Applied Social Psychology*, 28(2), 2006, pages 193-199.

⁵³ See Correll, J., "Racial bias in the decision to shoot?" *The Police Chief*, 2009, pages 54-58.

- **Supervision:** For supervisors, strategies include ways for them to identify and address potentially biased policing in their subordinates. Indications of possible bias may be found in statements made by the officers, the use of boilerplate language or conclusions that do not appear to be well supported, or the application of a “standard operating procedure,” whether positive or negative, when interacting with a certain group. Because these indicators may be more ambiguously presented than those of overt bias, and are likely to be unintentional, an effective approach to addressing these issues should also take this ambiguous nature into account when appropriate. The training also emphasizes that supervisors should be alert to their own potential bias in dealing with employees as well as members of the public.⁵⁴
- **Department-wide:** Training for agency managers focuses on the implementation of systemic approaches to mitigate implicit bias in officers’ actions. From an agency level, recommendations may include policies designed to “slow down” officers’ thinking and ensure that they do not act on automatic hunches or suspicions that are based on implicit associations.⁵⁵ These include, for example, the development of policies and practices that require clear and individualized articulation of decision-making. Another strategy is to carefully manage discretion by emphasizing principles of fairness and impartiality over results-oriented policing, the latter of which may incentivize officers to engage in enforcement that is based on group stereotypes. Systemic approaches may also include the analysis of data, such as stop data, and the incorporation of multiple levels of review from different perspectives.⁵⁶

As mentioned above, the Commission and Department have indicated their commitment to developing ways to measure the impact of implicit bias and related trainings on officers’ practices in the field. As described throughout this report, such analysis might look at metrics gleaned from stop data, complaint statistics, community surveys, and other information collected by the Department. Once developed, measures of officers’ activities connected to community engagement (see page 46) would also provide useful data for such an analysis, as would the results of audits of body-worn and in-car video or other related issues.

B. Cultural Competency and Diversity

As a corollary to implicit bias training, the Task Force recommends that agencies provide training on cultural diversity and related topics, and that these be provided with the assistance of advocacy groups that have traditionally had an adversarial relationship with the police.⁵⁷ Its report also encourages agencies to provide training on policies for interacting with the LGBTQ population; Muslim, Arab, and South Asian communities; and immigrant or non-English

⁵⁴ “Fair and Impartial Policing,” Supervisors’ Curriculum.

⁵⁵ Kahneman, D., “Thinking, Fast and Slow.” New York: Farrar, Straus and Giroux, 2011.

⁵⁶ “Preventing Community Crisis: Implicit Bias, Procedural Justice, and Police Community Partnerships,” Workshop by Northwestern University Center for Public Safety, 2016. For additional discussion of stop data analysis, *see* page 33.

⁵⁷ Task Force Action Item 5.9.1.

speaking groups. Trainings should also reinforce policies that prohibit sexual misconduct and harassment.⁵⁸

While the OIG did not conduct a full review of LAPD training, it found several instances of cultural diversity training, both in the Academy and as part of the POST-mandated refresher courses for officers. Two such examples are detailed trainings on interactions with the Sikh and LGBTQ communities, respectively, which provide officers with education about important topics, as well as advice for identifying and addressing bias in themselves and others. Some trainings also incorporate members of the community. The LGBTQ training for FTO officers, for example, includes a presentation from a member of the transgender community about issues and concerns officers should be aware of. The OIG has also observed other trainings where members of the community, such as persons with autism or with traumatic brain injury, have come to meet with participants and share their experience and insights.

As described in the previous section, direct contact with members of unfamiliar groups is one of the most effective ways to reduce implicit bias and its effect on policing. The Department should review its current training strategy for opportunities to expand the involvement of community members -- particularly representatives of those communities that have had difficult relationships with the police -- in trainings on cultural diversity and other topics. It should also assess the extent to which protocols relating to interactions with these communities should be further codified, where necessary.

C. Expanding the Definition of Biased Policing

While much of the focus on biased policing centers on race, training on implicit bias emphasizes that group stereotypes -- and implicit associations -- may exist for a variety of personal characteristics and can result in biased policing that is unjust. The Department has long acknowledged this fact by using a definition for biased policing that goes beyond race and ethnicity to include several other categories. In conjunction with the enactment of California's Racial and Identity Profiling Act (Assembly Bill 953) in 2015, the LAPD also recently expanded its policy to include the category of age, which was included in the State's definition but not the Department's.⁵⁹

In its review, the OIG noted that the Task Force recommends that agencies "adopt and enforce policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency."⁶⁰ While the Department's current policy is generally well aligned with this recommendation, it does not include the categories of immigration status, housing status, occupation, and language fluency. The LAPD has separate

⁵⁸ Task Force Action Item 5.9.2.

⁵⁹ "Policy Prohibiting Biased Policing – Revised," Special Order No. 19, Approved December 6, 2016. Available at http://www.lapdpolicecom.lacity.org/120616/BPC_16-0424.pdf. For more information about the Act and the Department's steps to comply, see page 30.

⁶⁰ Task Force Recommendation 2.13.

policies on immigration and housing status as well as language fluency, but the OIG recommends that the Department develop specific anti-bias language about these classifications as well.⁶¹

D. Recommendations

- The Department should consider having a permanent cadre of training staff assigned to PSL and/or FIP, and continue to ensure that classes are taught by experienced, skilled trainers.
- The Department should continue to implement implicit bias training for officers at all levels, assessing effectiveness of the training on an ongoing basis.
- The Department should continue to ensure the selection of training coordinators and Field Training Officers (FTOs) who demonstrate cultural and community sensitivity, as well as a commitment to identifying and reducing the effects of implicit bias.
- The Department should consider how to implement supervisor and agency-level protocols and systems to mitigate implicit bias in officer interactions with the public. It should conduct research on recommended approaches and report back on its findings to the Commission.
- The Department should continue to consider ways to incorporate community participation in the development and delivery of training for officers, where relevant.
- The Department should expand its policies to include anti-bias language for immigration status, housing status, occupation, and language fluency.

V. ESTABLISHING A CULTURE OF TRANSPARENCY AND ACCOUNTABILITY

The Task Force emphasizes the importance of establishing a culture of transparency and accountability in order to build trust with the community. In keeping with the principles of procedural justice, establishing such a culture rests on having clear, neutral policies for the release of as much information about incidents and operations as possible given confidentiality rules. This culture is also fostered by providing the community and officers an opportunity to provide feedback and input on the agency's policies and practices.

A. Availability of Department Policies

One of the first steps recommended by the Task Force is for an agency to make all policies available for the public review. The LAPD already maintains a comprehensive website, www.lapdonline.org, that provides a great deal of information about the Department's structure and operations. The website contains a link to the Department's full Manual of Policies and

⁶¹ See LAPD Manual Sections 1/390, "Undocumented Aliens," 1/240.07 "Policy Regarding Contacts with Persons Experiencing Homelessness," and 1/240.25 "Language Policy."

Procedures (Manual), which is divided into six volumes and contains the bulk of the LAPD's official policies. In reviewing the online manual, however, the OIG found that, while it is fully indexed, it can be difficult to locate relevant policies, some of which are spread across several sections or volumes. For example, the Department's policy on the use of force is located on a different volume than those policies describing the investigation of use of force incidents. The OIG also found that, at the time of this writing, the online manual does not clearly indicate when policies were established or changed, and has not been updated to include policy revisions made since 2015.

The OIG also notes that while the Manual is the repository for official LAPD policy, the entire body of Department policy and procedure is distributed among a variety of notices, directives, bulletins, and orders, some of which may not be fully incorporated into the manual itself. For example, while the Manual contains the Department's overarching use of force policy, as well its overall policies on the use of deadly and less-lethal force, it does not contain specific standards for the use of each force option, such as the TASER or other less-lethal weapons. These standards are incorporated into a series of "Use of Force-Tactics Directives," which include circumstances under which each option may be used, as well as additional information, tactical guidance, and specific procedures for deployment.⁶² While these documents are often excerpted in public reports analyzing individual uses of serious force, they are not currently published on the Department's website.

B. Release of Information on Serious Uses of Force and Other Incidents

The Task Force recommends that when serious incidents occur, including those involving alleged police misconduct, agencies communicate with the media swiftly, openly, and neutrally, respecting those areas where confidentiality is legally required. As part of this process, Departments should refrain from releasing background information about the subject of the use of force or other high-profile incident.⁶³ The document also recommends that policies on the use of force clearly state what type of information will be released, as well as the timeline for release and under what circumstances the information will be disseminated.⁶⁴

The PERF report similarly recommends that agencies release as much information to the public as possible about a use of force as soon as possible, acknowledging the preliminary nature of the investigation and providing updates as necessary.⁶⁵

As described in the following sections, the LAPD and Police Commission currently release various types of information about serious incidents, such as officer-involved shootings or in-custody deaths, to the public and the media throughout the course of the investigation. As the

⁶² Not all Directives provide standards for the use of force or force options. Others provide tactical guidance for a variety of circumstances, some of which may not be appropriate for dissemination. The Department should carefully review any document prior to its publication to ensure it does not contain sensitive information.

⁶³ Task Force Action Item 1.3.1.

⁶⁴ Task Force Action Item 2.2.5.

⁶⁵ PERF Principle 13.

result of a recent report by the OIG, the Department presented a new media protocol to the Commission in January 2017. Although not presently codified in writing, this new system will result in the release of a great deal of additional information about each incident and is described further in the following section.

1. New media protocol

Preliminary information about officer-involved shootings and other serious uses of force, known as Categorical Use of Force (CUOF) incidents, is distributed by the Department's Media Relations Division, which responds to the scene of the incident and provides a briefing to the press. Following the initial investigation and comprehensive briefing to the Chief of Police by the Force Investigation Division, Media Relations also prepares a press release that provides more detail about the incident, including, in most cases, the names of any involved officers and of the individual involved in the use of force. These press releases are posted on the Department's website and disseminated through their social media accounts. Additional briefings or press conferences may also be given, either by Media Relations personnel, the Chief of Police, or other command staff as needed.

In October of 2016, the OIG released a comparative review of use-of-force-related policies and practices at selected agencies in other jurisdictions. As a result of that report, the Commission adopted a recommendation that the Department "shall determine what additional information regarding uses of force, including officer-involved shooting incidents, can be released to the public in an expedited fashion and develop a protocol for ensuring the accuracy of the information released."⁶⁶

The Department conducted extensive research on the topic, including meeting with other agencies about their processes, and presented its new protocol to the Commission on January 31, 2017. The new process significantly expands the type and quantity of information to be released to the public, which will be facilitated by the creation of a new webpage dedicated to CUOF incidents that will aggregate different sources of information about an incident by case number. According to the Department, the information to be linked will include press releases, autopsy reports, and upon completion, analyses by the District Attorney's Office, the Chief of Police, and the Police Commission. The Department is also exploring the possibility of developing a Community Briefing Video for each case, to be posted on the dedicated webpage, that will include maps, photographs, and other graphics describing the evidence gathered to date.

The new webpage went live in mid-April and can be found at http://www.lapdonline.org/use_of_force. It currently contains preliminary information about each officer-involved shooting that has occurred in 2017, to be updated with additional information as it becomes available. The Department is working on making each press release available in Spanish. As additional information is added to the page, OIG will monitor the content to ensure that the information reported is accurate.

⁶⁶ *Id.*, Page 33.

The Department has also created a timeline for the release of this information and designated responsibility for the approval of each release by Media Relations. Other changes to the protocol, which have already been implemented, include a requirement that a member of command staff from the Department's Public Communications Group respond to each officer-involved shooting where a person was hit, as well as other high-profile incidents, and that an initial press release be distributed within 24-48 hours of the incident occurring.

The OIG will continue to monitor the roll-out and implementation of the new protocol.

2. Family Liaison Unit

In August 2016, the Commission directed the Department to create a new Family Liaison Unit, which will act as a centralized point of contact for the families of those killed or seriously injured in an officer-involved shooting or other serious use of force, as well as those who die in police custody. Prompted by feedback from family and other community members frustrated with a lack of access to information about the investigation of these incidents, the goal of the unit is to assist family members with obtaining important documents and to provide information about the investigative framework. The unit has been staffed and has begun responding to critical incidents. Processes and procedures for the unit, including what information will be released and in what manner, are still being developed and are not currently included in the written use of force policy.

3. Video footage

One topic that has been of great interest to the public has been the extent to which the Department will release video footage pertaining to any given incident, particularly video footage captured by officers' Body-Worn Video (BWV) cameras. As noted by the OIG, the Department has indicated it would release such video only in conjunction with a court order or other compelling circumstances. There is currently no written policy on the release of BWV or other video, however, such as video captured by a vehicle's Digital In-Car Video System (DICVS) or surveillance footage.⁶⁷ Following the OIG's report, the Commission directed that a process be initiated to receive input from the public and officers on a video release policy for CUOF incidents.

In January 2017, the Commission announced that it had engaged the Policing Project of the New York University School of Law to gather feedback and opinions about the Department's video release process. The Project, which has local support from the UCLA and UC Irvine Schools of Law, will then develop a report on its findings to the Commission. This process will include forums with the community, as well as surveys and meetings with Department employees,

⁶⁷ Private video captured by surveillance systems or cell phones is sometimes released by non-Department persons through other sources. To the OIG's knowledge, other than circumstances involving a court order, the Department has released surveillance video only in one previous CUOF incident. See "Officer Involved Shooting in South Los Angeles NRF063-16bm" Los Angeles Police Department News Release, October 4, 2016.

http://www.lapdonline.org/newsroom/news_view/61293

employee unions, and other stakeholders. The project held the first of its five community meetings on March 23 and will complete the information-gathering phase on May 7.⁶⁸

4. Public reports

Once an investigation has been completed and the use of force adjudicated by the Commission, the OIG prepares an abridged, redacted summary of the entire incident that is made available to the public. This report provides a description of the relevant evidence and the Commission's analysis of the use of force and any related decision-making.

The summary also includes the Commission's findings in three areas, which are decided for each involved officer: the tactics employed, the decision to draw and exhibit a firearm, if relevant, and any force used. The rationale for each finding is also provided. Any other potential violation of Department policy is also flagged -- although the Commission does not adjudicate officers' conduct outside the three listed areas, these will be referred to the Department for investigation and further action where necessary.

All summaries are posted on the Commission's webpage, and the Department currently plans to reference these in its designated website for serious uses of force.⁶⁹

C. Soliciting Input in Developing Policy

The Task Force recommends that, in order to achieve both external and internal legitimacy, agencies involve the public as well as employees in the process of developing and evaluating policies and procedures.⁷⁰ It further recommends that public engagement and collaboration, including the use of community advisory bodies, be encouraged and that agencies solicit feedback and assessment from employees at all levels in implementing and evaluating new technologies.⁷¹

Under the Department's current structure, all new policies and policy revisions must be approved by the Commission. The meetings where these decisions take place are necessarily open to the public and require that members of the community be permitted to submit a comment on any item prior to its approval by the Commission. The Commission has also worked to expand its efforts to collect feedback on issues of particular interest to the public. For example:

- The Commission recently held special meetings on the topics of biased policing and homelessness, during which community groups were invited to make presentations to the Commission.

⁶⁸ See <https://policingproject.org/lapd-video-release/>

⁶⁹ See http://www.lapdonline.org/categorical_use_of_force.

⁷⁰ Task Force Action Items 1.4.1 and 1.5.1.

⁷¹ Task Force Action Items 3.2.1 and 3.2.2.

- The Commission also conducted outreach to solicit input on the creation of a body-camera policy, which included several meetings in the community. As noted in the previous section, this process will be continued as the Commission works with the NYU School of Law's Policing Project to seek feedback on the development of a policy surrounding the release of video footage of a CUOF incident.
- In developing the LAPD's policy on homelessness, the Commission set a period during which written and verbal feedback on the policy would be solicited in various forums and compiled for the Commissioners' review prior to their decision.

Although the Department regularly involves relevant LAPD staff in the development and review of new and revised policies, the OIG is not aware of any process where the feedback is solicited directly from employees in a systematic manner. For example, police unions may often be involved in the development of policy to be presented to the Commission, and the Commission meets regularly with command staff as well as officers at roll calls or other meetings. The Department also has some programs to obtain general feedback, such as the creation of a special Employee Relations Group (ERG) email account to allow officers to directly provide feedback and the scheduling of "vertical staff meetings" that include employees and management from different ranks.

D. Annual Community Surveys

The Task Force recommends that agencies conduct surveys, using accepted sampling protocols, that measure how policing affects public trust. The report recommends partnering with local universities to measure the effectiveness of specific strategies, assess how they might affect the community's view of the Department, and solicit feedback about the Department.⁷²

In February of 2016, the LAPD conducted the first of what is hoped to be a series of annual surveys of Los Angeles residents. A survey firm contracted by the Department conducted 2,004 phone interviews asking residents for their perceptions about public safety, police effectiveness, satisfaction with the police, and police fairness and integrity. The questions were developed, in collaboration with the Department, by Justice & Security Strategies, an outside research firm hired by the Department that was also responsible for compiling and analyzing the resulting data.

A report detailing the findings of the survey was included in the Department's November 15, 2015 report on biased policing.⁷³ According to the report, the survey indicated relatively high overall approval levels in some areas, along with some areas with significant challenges, such as use of force and stops. The survey also identified significant variations among groups in their perceptions of the police. The Department is currently in the process of interpreting these survey results to determine the reason for these gaps in trust among communities. One planned step is

⁷² Task Force Recommendation 1.7.

⁷³ For a full breakdown of the results and a description of the methodology and survey instrument, please see: "Report of the Los Angeles Police Department on the Prevention and Elimination of Biased Policing," Los Angeles Police Department, November 15, 2016. Available at: http://www.lapdpolicecom.lacity.org/111516/BPC_16-0391.pdf.

to hold Area-level dialogues with community members through existing channels, such as focus groups, Community-Police Advisory Boards (CPABs), and Days of Dialogue, to more fully explore the reasons community members hold the opinions that they reported.

Another component of the analysis of the community attitudes will involve the collection of longitudinal data to assess how community perceptions move in conjunction with changes in other data, new initiatives to address crime or community relations, or revisions in LAPD policy. While the first survey was funded by federal grant money, the Department has requested funds in the coming year's budget to conduct a follow-up survey. In the event that this effort receives continuing funding, the additional survey data – along with other data about police activity -- should assist the Commission in evaluating the Department's initiatives over time.

E. Recommendations

- The Department should update and keep current the online version of the Manual of Policies and Procedures, along with an online index of Special Orders by date to show when policies have been changed.
- The Department should post an up-to-date index of policies and directives that are of interest to the public, including but not limited to policies on: the use of force; use of specific force options; de-escalation; the intake, investigation, and adjudication of personnel complaints; use of body-worn and in-car video cameras and footage; and biased policing.
- The Department should continue to expand and use, where relevant, processes to solicit, gather, and consider feedback from members of the public prior to making significant policy changes.
- The Department should continue to conduct the community survey on an annual basis, and publish and analyze the results, including year-to-year changes. The Department should also consider adding additional questions regarding the factors affecting respondents' answers.

VI. COLLECTION AND REPORTING OF DATA

The Task Force recommends that agencies regularly post law enforcement data, including stops, summonses, arrests, reported crimes, and other activity, and that this information be aggregated by demographic.⁷⁴ The Task Force also recommends that agencies be encouraged to maintain and analyze demographic detention on all detentions.⁷⁵ It further recommends that the federal government create incentives to encourage universities and other agencies to assist with analysis and to help departments develop tools to manage its own analysis.⁷⁶

⁷⁴ Task Force Action Item 1.3.1.

⁷⁵ Task Force Recommendation 2.6.

⁷⁶ Task Force Action Item 2.6.1.

The Department collects extensive statistics about a variety of law enforcement data, including all reportable uses of force, vehicle and pedestrian stops, complaints from the public, calls for service, citations, and arrests. Many of these statistics are published in an aggregate form in various reports about the Department's operations, including certain statistics that are mandated as part of Consent Decree reforms. As described below, the Department is currently taking steps to publish much of this information in an open-data, or raw, format. The following sections highlight the Department's progress in these areas, as well as types of data that may not currently be reported to the public in the form recommended by the Task Force.

A. Published Reports

The Department compiles several statistical reports about its activities and operations, which are made available to the public online. Reports published by the LAPD have included, for example:

- The Semi-Annual Public Report, published on the website, which included summary statistics on motor vehicle and pedestrian stops, use of force incidents, and arrests, including ethnic/racial descent.⁷⁷ (2007-2014)
- The Quarterly Discipline Report, which provides detailed and extensive data about the internal disciplinary program, including personnel complaints initiated, the results of the investigation, and any associated discipline. The Department has also published a regular report that provides detailed information about the characteristics and outcomes of complaints of biased policing. (2007 – Present)
- The Annual Use of Force Report, which describes policies surrounding the use of force as well as detailed statistics regarding LAPD use of force incidents and their adjudication. In 2016, this report was significantly enhanced and expanded into the 2015 Use of Force Year-End Review, a comprehensive report that provides an overview of the Department's use of force as well as various contextual data about race, crime, and police activity such as stops and arrests for the past five years. The 2016 edition of this report was released on April 18, 2017, and is available on the Department's website.⁷⁸ (2009-2011, 2013, 2015-2016)

These reports can be found on the web page for the Office of Constitutional Policing and Policy, which also includes a number of reports stemming from the Consent Decree, including various statistical analyses that have been conducted or commissioned by the Department in recent

⁷⁷ These reports also contained a listing of audits completed, policy changes approved, and discipline reports published, along with agenda date and item designation for the purposes of finding the relevant report.

⁷⁸ See <http://assets.lapdonline.org/assets/pdf/2016-use-of-force-year-end-review-small.pdf>.

years.⁷⁹ In reviewing the page, the OIG noted that some reports appear to have been discontinued or are no longer being posted.⁸⁰

B. Open Data and the Police Data Initiative

Along with its published reports, the Department has recently made significant strides in making raw data, which can be directly downloaded and analyzed, available to the public through the City's Open Data website. The LAPD was also one of the first departments to sign on to the White House Police Data Initiative (PDI), which is committed to using open data to improve police-community relationships. The PDI has a website that collects data sets from a number of departments, including the LAPD.⁸¹ As of this writing, the Department has begun publishing the raw data about the following activities:

- Crime reports and traffic collisions
- Custodial arrests
- Calls for service
- Motor vehicle and pedestrian stops

The Department does not currently publish detailed statistics or data about citations by race or ethnicity, which may be useful as contextual data for pedestrian stops or other activity. It also does not currently publish use of force or assault-on-officer data in an "open data" format, but is working on plans to expand the current data sets to include, among other information, data on all uses of force.

C. Use of Force Data

The Task Force recommends that agencies collect and maintain use of force data and that they report serious uses of force to the federal government.⁸² Similarly, PERF recommends that agencies document all use of force incidents and review the data to ensure that use of force is fair

⁷⁹ See http://www.lapdonline.org/office_of_constitutional_policing_and_policy.

⁸⁰ Quarterly Discipline Reports continue to be produced regularly and are linked to the relevant online Commission agenda (based on the date they were presented to the Commission), but the most recent report listed on the website is dated 2013.

⁸¹ Data found at <https://publicsafetydataportal.org/all-data/>. See also the City's Open Data website, located at <https://data.lacity.org>. The OIG noted that some of the LAPD links and information on the PDI website do not work or are out of date and should be updated.

⁸² Task Force 2.2.4. The OIG notes that the federal government does not currently have a program to collect all of these data, but the State of California has recently moved to establish its own use-of-force reporting system, as described in this report.

and non-discriminatory.⁸³ PERF also recommends that Departments publish regular reports on the use of force.⁸⁴

LAPD officers are currently required to report all uses of force above the level of a firm grip, joint lock, or other minor force that does not result in injury or a complaint of pain. In comparing LAPD's policy on reportable force to the above standards and other agencies' policies, the OIG found that it was generally well aligned with, or more expansive than, those of most other agencies.

The Department is one of the few agencies surveyed, however, that does not collect data on the use of a less-lethal weapon (for example, TASER or beanbag shotgun) that does not contact a person.⁸⁵ While these deployments are reported on an officer's log, they are not incorporated into the use of force data tracking system. This policy also diverges from the Department's own policy on officer-involved shootings, which are reported and investigated regardless of whether a person is hit. The Department should follow this same practice with the use of less-lethal weapons that do not make contact with a person, ensuring that these incidents are incorporated into its use of force database. Reviewing and collecting data on all uses of a less-lethal weapon would allow the Department to better hold officers accountable for their decisions to use the device, analyze its overall effectiveness (including instances where it was ineffective due to not contacting the person), and more carefully track and inventory the use of the device as well as cartridges or less-lethal rounds.

The Department currently tracks all reportable uses of force in its risk management database, TEAMS II, which also includes extensive information about the characteristics of each incident. As described earlier, the Department has also developed an expanded its annual use of force report, called the "Use of Force Year-End Review," which includes a great deal of information about LAPD uses of force at all levels.⁸⁶ The report, which also contains analysis of changes over time and how use of force statistics compare with other law enforcement data, is currently one of the most detailed and comprehensive resources involving use of force at any law enforcement agency.

D. New State Laws Requiring Data Collection

The Department is also currently developing systems to comply with new State of California data reporting requirements as set forth in Assembly Bills (AB) 953 and 71, both passed in 2015. Both statutes require that law enforcement agencies report extensive data to the California Department of Justice (DOJ), which will be distributed to the public in an "open data" format

⁸³ PERF Principle 10.

⁸⁴ PERF Principle 11.

⁸⁵ See, for example, "Electronic Control Weapons: Concepts and Issues Paper," IACP National Law Enforcement Policy Center, Revised April 2010, and use of force policies for the New York, Chicago, San Diego, and Dallas Police Departments, as well as that of the Los Angeles Sheriff's Department.

⁸⁶ Available at <http://assets.lapdonline.org/assets/pdf/2016-use-of-force-year-end-review-small.pdf>.

through the Open Justice website. Each new state law, along with the steps the department is taking to comply, is described below.

1. AB 953: The Racial and Identity Profiling Act of 2015 (RIPA)

AB 953, or RIPA, requires all agencies to collect and report extensive information about pedestrian and vehicle stops, as well as information about complaints of racial or identity profiling. Although the LAPD already tracks basic information about stops, this will significantly expand the amount of data gathered. The Department was required to begin collecting the required complaint data in 2016 and will begin collecting the expanded stop data in 2018; it is currently in the process of developing systems to facilitate this process.

The stop data portion of the law is well aligned with the Task Force report, which recommends that agencies collect, maintain, and analyze demographic information on all detentions, to include stops, frisks, searches, summons, and arrests.⁸⁷ Although the PERF report focuses primarily on the use of force, it also notes that agencies who are making advances in addressing racial concerns within their departments have engaged in collecting and analyzing data on vehicle and pedestrian stops.⁸⁸

a. Tracking and reporting of biased policing complaints

The LAPD defines racial and identity profiling as “biased policing,” and has long had a policy prohibiting such actions, which it defines as serious misconduct. As part of its response to biased policing, the Department also tracks all complaints received and publishes quarterly reports on the characteristics of these complaints as well as their findings. The Department has recently taken several steps to bring this system into compliance with the complaint-reporting requirements of AB 953. Actions taken to date have included realigning categories, adapting computer systems, and updating the LAPD’s policy on biased policing to include the category of age, which was included in the State’s definition but not the Department’s.

b. Collection of stop data

Pursuant to AB 953, the LAPD is also currently preparing to expand its stop data collection program to incorporate significantly more data about each pedestrian, bicycle, or vehicle stop. In doing so, this program will revert to collecting data similar to that which was collected pursuant to the Consent Decree. The Department’s data collection program originally required detailed information about the person stopped, the actions taken during the stop, and the basis for and result of any such action. In 2009, following unsuccessful attempts to interpret the information collected, the information collected was significantly curtailed.⁸⁹

⁸⁷ Task Force Recommendation 2.6.

⁸⁸ PERF, Page 117.

⁸⁹ This change was approved by the United States Department of Justice (US DOJ) and the Independent Monitor at that time.

As an agency that previously collected much of the data required by the new law, the Department has consulted with the California Department of Justice in an advisory capacity to determine what information should be required and how it should be collected. To that end, the Department is currently working to develop a smartphone “app” to facilitate this process. The LAPD is currently in the process of acquiring a smartphone for each patrol officer to use in conjunction with their assigned body camera, which can also be used for the purpose of collecting the required information in the field. There will also be a web-based version available for those instances when a smartphone is not available or able to collect the data.

Although final rules for the collection of the data have not yet been promulgated by the DOJ and are still under revision, the Department appears to be on pace to put systems in place by the time the requirements go into effect in 2018. The OIG has reviewed the materials created to date and will continue to track the process through completion. In the meantime, the Department may also want to consider whether there is any additional data it might like to collect for its own purposes that are not currently included in the data set forth by the State. For example, the Department may want to ask whether each person stopped was questioned about their parole or probation status, or whether the person was homeless.

c. Stop data analysis

The LAPD does not currently have a process for analyzing the stop data it collects, although it has made attempts to do so in the past. In 2006, the City commissioned a large-scale analysis to determine whether the data it had been collecting provided evidence of biased policing. The analysis, which looked only at actions occurring after a stop was initiated, found significant disparities by race for certain outcomes involving non-gang officers, such as pat-downs, requests to exit the vehicle, and discretionary searches.⁹⁰ Because the study was unable to control for all potentially relevant factors, however, the study’s authors ultimately determined that they could not draw definitive conclusions about the reason for the disparities and whether racial profiling existed at the LAPD.⁹¹

Since that time, to the OIG’s knowledge, the Department has not taken any additional steps to systematically analyze its stop data. In part, this is because it is difficult to interpret or draw firm conclusions from aggregate data that cannot encompass all the circumstances and dynamics of

⁹⁰ “Pedestrian and Motor Vehicle Post-Stop Data Analysis Report,” Analysis Group, 2006. Available at http://assets.lapdonline.org/assets/pdf/ped_motor_veh_data_analysis_report.pdf. The report also found differences in gang officer outcomes in two of the Department’s four bureaus but did not identify statistically significant differences in the other two. The report noted that “approximately 93 percent of stops by gang officers are of Hispanics and blacks.” (See page 32 of the report.)

⁹¹ A second analysis of the same dataset, commissioned by the American Civil Liberties Union (ACLU) of Southern California, also found substantial disparities in post-stop action, as well as in the stops themselves. “A Study of Racially Disparate Outcomes in the Los Angeles Police Department,” Ian Ayres and Jonathan Borowsky, 2008. Available at <https://www.aclusocal.org/sites/default/files/wp-content/uploads/2015/09/11837125-LAPD-Racial-Profiling-Report-ACLU.pdf>. For a discussion of the Department’s response to these reports, please see the Final Report of the Office of the Independent Monitor of the Los Angeles Police Department, 2009. Available at http://fr.kroll.com/LAPD_FINAL-REPORT_06-11-2009.pdf.

any given stop. It is also difficult to disentangle questions of race from those of crime rates, local demographics, and other factors that may influence stop data.

As recommended by the Task Force, however, review of the data could play an important role in the Department's supervision and accountability processes.⁹² This is particularly true for the expanded data required by the new law, which could provide insight into the various reasons people are being stopped and into the outcomes of stops involving, for example, suspicious activity. As another example, the data could also assist in identifying officers or units who disproportionately conduct searches based on reported probable cause that do not yield contraband.

The Department should conduct research on ways to analyze and use the data to provide greater oversight of field activities and identify areas of potential improvement. It is unlikely that data alone will "prove" the existence of individual misconduct or bias, nor should that be its primary intent. Given what is known about implicit bias, however, the use of data may assist supervisors in identifying particular areas of concern and working to address them.

Such analysis could be facilitated by the use of automated processes to identify outliers and calculate officer, Area, or Department-level results, whether through the TEAMS II risk management platform or other means. The OIG notes that a 2014 report found that the Department's TEAMS-II-based Early Warning System "requires a substantial time commitment from Department personnel while providing limited predictive capabilities."⁹³ At that time, the Department indicated that it had engaged its research partner, Justice & Security Strategies, Inc., to conduct a comprehensive evaluation of the system. Although the report was scheduled to be completed in 2015, the results of the evaluation, as well as any associated recommendations, have not yet been presented to the Commission.

Finally, the OIG notes that the analysis of stop data is particularly effective if used in conjunction with in-car and body-worn video. Such footage can assist supervisors in verifying and understanding the data, as well as ensuring that officers are implementing the tenets of procedural justice. To that end, the OIG notes that the original reduction of stop data program was approved with the understanding that in-car video would play a critical role in the Department's efforts to prevent biased policing during detentions.⁹⁴ As such, the Department should continue to work to ensure that officers conducting a high volume of discretionary stops, such as Metropolitan Division crime suppression personnel, are equipped with in-car and/or body-worn cameras.⁹⁵

⁹² Task Force Recommendation 2.6.

⁹³ "Review of the Los Angeles Police Department's Early Warning System," Office of the Inspector General, August 20, 2014. Available at http://www.lapdpolicecom.lacity.org/082614/BPC_14-0318.pdf.

⁹⁴ "Office of the Independent Monitor: Final Report," Office of the Independent Monitor of the Los Angeles Police Department, June 11, 2009, Page 74. *See also*: "Continuation of Measures to Prohibit Biased Policing," Consent Decree Transition Agreement, July 17, 2009, Page 8.

⁹⁵ According to a recent update, Metropolitan Division is currently scheduled to be equipped with body-worn video by the end of February 2018, following deployment at all patrol divisions. The Department indicated it currently

2. AB 71: Use of Force Data (2015)

AB 71 requires agencies to collect and report data about certain types of use of force and assault cases to the California Department of Justice (DOJ).⁹⁶ As of 2017, the Department is required to upload required data from the previous year to an online open data website, URSUS, where it will be available for download by members of the public.⁹⁷ According to the law and associated guidance from DOJ, these cases should include any incident involving an officer-involved shooting or a use of force by an officer that results in “Serious Bodily Injury” (SBI) or death.⁹⁸ The law also requires the reporting of data about assaults on officers that include the discharge of a weapon or that result in SBI or death.

As of this writing, the Department has developed a comprehensive plan to identify, review, and report the required use-of-force and assault data to the DOJ, and has recently submitted its first year of data. In its review of the Department’s plans, however, the OIG has noted that there are a small number of SBI cases that may not be included under the current plan. Specifically, this includes those cases where subject is not hospitalized, but their injuries meet the standard for SBI due to a loss of consciousness or a wound requiring extensive suturing.⁹⁹ This is primarily due to a lack of clarity over how certain SBI factors should be applied -- for example, how many sutures would qualify as “extensive” -- as well as limitations in how injury data is currently captured in the Department’s use of force database. Due to confusion among California agencies about these issues, the DOJ has reportedly relaxed its requirements until standard guidelines can be set forth for the next year’s reporting period. According to the Department, it has taken a leadership role in working with the DOJ to develop standardized definitions for these types of injuries. Once these guidelines are implemented, the Department will take steps to ensure that its data systems are adapted where necessary to achieve full compliance with the law and relevant guidelines.

The OIG has also noted that, according to the new law, uses of force are to be reported in the year that they occurred, even if they have not been fully investigated and evaluated. This will require that, for in-progress investigations, the Department carefully vet the data provided to the DOJ to ensure that it accurately reflects all facts known at the time of the report.

does not have funding for the installation of in-car video at Metropolitan Division. See “Update Report Regarding Deployment of Body Worn Cameras,” Los Angeles Police Department, March 22, 2017. Available at http://www.lapdpolicecom.lacity.org/032817/BPC_17-0103.pdf.

⁹⁶ The full text of the bill is at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB71.

⁹⁷ The system was not live at the time of this report, but a test version of the website is available at <https://ursusdemo.doj.ca.gov/welcome>.

⁹⁸ According to California Penal Code Section 243(f)(4): “‘Serious bodily injury’ means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.”

⁹⁹ All uses of force that result in hospitalization or death -- as well as all officer-involved shootings -- are categorized as CUOF incidents and will therefore be automatically reviewed for potential inclusion in the dataset. All other uses of force are classified as Non-Categorical Use of Force (NCUOF) incidents.

E. Recommendations

- The Department should resume online publication of statistical data on stops, arrests, complaints, and other activity. It should also continue to expand its open data access and update its Police Data Initiative datasets.
- The Department should require that all uses of less-lethal weapons against a person are reported and included in the use of force tracking database, including those that do not make contact with a person.
- The Department should continue to develop a plan to implement the requirements of AB 953. In doing so, it should consider whether there are additional data fields that might be useful for LAPD purposes.
- The Department should develop, in consultation with the Commission and the OIG, systems and mechanisms for the analysis of stop and search data to identify potential disparate treatment, implicit or explicit bias, differential enforcement practices, or Fourth Amendment concerns. As part of this process, it should present the findings of the recent evaluation of the TEAMS II Early Warning System to the Commission and discuss the extent to which stop data could be incorporated into its framework, along with other tools for analysis.
- As referenced in the section on stops and searches (see page 43), the Department should prioritize the deployment of body-worn and in-car video cameras to those officers with the highest volume of discretionary activity, including Metropolitan Division crime suppression details.

VII. THE USE OF FORCE

The Task Force and PERF recommend that agencies have comprehensive policies on the use of force, and that these policies and practices emphasize the sanctity of life. For example, agencies should provide policies and resources to encourage officers to promptly render aid, de-escalate incidents, and avoid using force against vulnerable populations. The reports also recommend systems to collect and analyze use of force data and to conduct evaluations of individual incidents.¹⁰⁰

In reviewing each of these recommendations, the OIG found that the Department has already implemented or begun to implement the majority of the recommendations relating to the use of force. In many cases, these are long-standing components of the Department's use of force practices, including, for example:

¹⁰⁰ The Task Force recommends that agencies mandate the use of external and independent criminal investigations in serious uses of force cases, as well as the use of external and independent prosecutors in those cases. (Action Items 2.2.2 and 2.2.3.) These recommendations are outside the OIG's scope and are not discussed further.

- Establishment of a review and adjudication process that looks beyond the use of force itself to evaluate tactics, training, supervisory concerns, or other policy issues. This structure incorporates multiple levels of review at the sworn level and designates final authority for the adjudication of serious uses of force to the civilian Police Commission.¹⁰¹
- A requirement that officers intervene to prevent others from using excessive force.¹⁰²
- A prohibition on shooting at moving vehicles under most circumstances.¹⁰³
- Using distance, time, and cover, rather than outdated concepts such as the 21-foot rule.¹⁰⁴
- Requiring that all police incidents resulting in death or hospitalization be reviewed by specially trained personnel.¹⁰⁵

There are also several recommendations which the Department has recently taken steps to implement, such as the following:

- Adopting de-escalation as a formal agency policy and ensuring that officer training emphasizes de-escalation and effective communication.¹⁰⁶
- Discouraging force against those who pose a danger only to themselves.¹⁰⁷
- Providing a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force.¹⁰⁸
- Considering new options for chemical spray and the personal protection shield.¹⁰⁹

Taken together, the Department's policies, trainings, and standards of review go beyond the minimum standards set forth in *Graham v. Connor*, as recommended by PERF.¹¹⁰ There are a

¹⁰¹ Task Force Action Item 2.2.6.

¹⁰² PERF Principle 6. *See also* LAPD Manual 1/210.46, "Employee's Duty to Report Misconduct."

¹⁰³ PERF Principle 8. *See also* LAPD Manual 1/556.10, "Policy on the Use of Force."

¹⁰⁴ PERF Principle 16. *See also* "Tactical De-Escalation Techniques," Use of Force-Tactics Directive No. 16, October 2016.

¹⁰⁵ PERF Principle 12. *See also* LAPD Manual 3/794.10, "Categorical Use of Force Investigations."

¹⁰⁶ PERF Principles 4,17,18 and 18; Task Force 2.2.1. *See also*: "Policy on the Use of Force – Revised, Special Order No. 5, April 18, 2017; "Ten-Year Overview of Categorical Use of Force Investigations, Policy, and Training;" Office of the Inspector General, March 10, 2016, Page 10; and "Tactical De-Escalation Techniques," Use of Force-Tactics Directive No. 16, October 2016.

¹⁰⁷ PERF Principle 22. *See also* "Barricaded Suspects," Training Bulletin Volume XLV, Issue 4, December 2016.

¹⁰⁸ PERF Principle 9. *See also* "Response Protocol for Calls Involving Knives, Swords, or Any Edged Weapons," Communications Divisional Order No. 8, November 10, 2016, and "Field Supervisor Response to Calls Involving Reports of Mental Illness," Communications Divisional Order No. 9, November 10, 2016.

¹⁰⁹ PERF Recommendations 26 and 28.

few areas, described below, where the Department may want to take additional steps to fully implement recommendations by PERF and the Task Force.

A. Policy on The Sanctity of Human Life and Promptly Rendering Aid

PERF recommends that agencies keep the sanctity of human life at the heart of everything they do, and that, in keeping with this value, officers promptly render first aid and request assistance when a person has been injured by police actions.¹¹¹

The LAPD already emphasizes the sanctity of human life in several ways. As part of its “functional objectives,” the Department recognizes that “[r]everence for human life is the primary consideration in developing tactics and strategies in pursuit of our motto: ‘To Protect and to Serve.’”¹¹² Its use of force policy further states that the “guiding value when using force shall be reverence for human life.”¹¹³ This principle has guided many of the Department’s policies, including those relating to de-escalation and other measures to avoid the use of force. Additionally, with the establishment of the “Preservation of Life” award, the Department has also taken steps to begin recognizing those incidents where officers successfully avoid using deadly force, even where its use might have been a reasonable alternative.

LAPD officers are currently required to immediately request medical treatment following an incident where a person has been injured by police actions. The OIG has noted, however, that there is currently no mandate that officers in the field render first aid to the subject prior to the arrival of medical personnel, although Department training does explore this issue in courses such as PSL. In its analysis of a recent CUOF incident, the OIG noted that it “has seen instances of officers providing first aid to individuals shot [in] some prior cases, [but] such action is not standard practice and is not required by current Department policy or training.” The OIG has recommended that, “consistent with the Department’s commitment to the preservation of life, consideration be given to training officers to provide first aid to injured subjects when it is safe to do so.”¹¹⁴

In addition to setting the expectation that officers provide first aid when they can do so safely, the Department must also assure, on an ongoing basis, that officers are properly trained to do so.¹¹⁵ A 2013 OIG report on compliance with State training requirements found that, at that time,

¹¹⁰ PERF Principle 2.

¹¹¹ PERF Principles 1 and 13.

¹¹² LAPD Manual 1/130.25 “Reverence for Human Life.” The section goes on to say that the “primary objective” is to protect a “victim, witness, or other innocent person” from potential injury or death. The Department should consider including language indicating that reverence for human life must also be applied to those suspected of wrongdoing.

¹¹³ LAPD Manual of Policy and Procedure Volume I, Section 556.10 “Policy on the Use of Force.”

¹¹⁴ “Officer-Involved Shooting – 083-15, Abridged Summary of Categorical Use of Force Incident and Findings by the Los Angeles Board of Police Commissioners,” Los Angeles Police Commission, September 20, 2016, Page 12.

¹¹⁵ See “Learning Domain 34: First Aid and CPR, Version 5.2,” Basic Course Workbook Series, California Commission on Peace Officer Standards and Training (POST), 2007: “As trained professionals, peace officers have

“the Department [did not] provide the required refresher training on CPR and First Aid.”¹¹⁶ In response to that report, the Department undertook a concerted effort to bring all officers up to date in their certifications. The Department is now reaching the end of its three-year refresher period and is preparing to again begin re-certifying officers to ensure compliance with State law. The OIG notes that in 2015, the State revised its rules to require, going forward, that officers be retrained in this topic every two years. The Department must ensure that the re-certification process is ongoing so that officers are equipped to render aid to subjects, victims, and other officers who have been injured.

B. Crisis Response

The Task Force recommends that agencies take a comprehensive approach to mental health issues, and that agencies engage in multidisciplinary approaches to crisis situations.¹¹⁷ PERF also recommends that agencies implement a comprehensive agency training program on mental health issues.¹¹⁸ As part of this process, the report recommends that agencies educate the families of persons with mental health problems on how to communicate with dispatch when they contact emergency services.¹¹⁹

Over the past two years, the Department has been engaged in an intensive effort to significantly increase the capacity and effectiveness of its response to persons in behavioral crisis. This effort includes the expansion of multidisciplinary “SMART” crisis response teams and the delivery of a new 40-hour intensive training, called the Mental Health Intervention Training (MHIT), to as many field officers as possible.¹²⁰ This process began with the training of officers in units or divisions that have the most frequent contact with persons with mental illness and has also been expanded to all probationary and field training officers, as well as other officers where resources permit. The OIG did not examine this issue closely as part of this review but will continue tracking the Department’s efforts in this area.

The OIG recently released a report on the Department’s use of less-lethal weapons, developed in response to the Commission’s direction to evaluate how such tools are used in incidents involving persons who are mentally ill or armed with weapons other than firearms.¹²¹ As

a responsibility to [...] initiate appropriate emergency medical services within the scope of the officer’s training and specific agency policy. A peace officer is not required to render care when reasonable danger exists (e.g., while under fire, exposure to hazardous materials, etc.)” *See also, as an example:* “Deputy’s Duty to Provide Emergency Medical Care,” Los Angeles County Sheriff’s Department Newsletter, Volume 17, Number 01, January 13, 2017.

¹¹⁶ “P.O.S.T. Refresher Audit,” Office of the Inspector General, October 1, 2013, Page 1.

¹¹⁷ Task Force 4.3.

¹¹⁸ PERF Principle 19.

¹¹⁹ PERF Principle 30.

¹²⁰ “Comparative Review of Selected Agency Policies, Investigations, and Training on the Use of Force: Final Report,” Office of the Inspector General, October 6, 2016. Available at http://www.lapdpolicecom.lacity.org/101116/BPC_16-0119A.pdf.

¹²¹ “Overview of Less-Lethal Force Tools and Deployment,” Office of the Inspector General, February 2017. Available at http://www.lapdpolicecom.lacity.org/022817/BPC_17-0057.pdf.

explained by the OIG in its report, such tools may be effective in resolving a mental health crisis without the use of deadly force. The OIG's report also detailed the Department's training on the use of less-lethal weapons, with specific scenarios relating to common situations involving a person in crisis. Report also found that the Department has taken several steps to increase the availability and accessibility of these tools for patrol officers in the field. These include acquiring additional TASERS, testing wider deployment of the 40mm less-lethal launcher, and installing mounting systems to make beanbag shotguns more accessible to officers in the field. In addition to these steps, the Department established two additional protocols to ensure better supervisory oversight of such incidents.

The Department has also been working on ways to educate the families of persons with mental health conditions about communicating with the police. As part of this process, the LAPD's Mental Evaluation Unit (MEU) has partnered with National Alliance on Mental Illness (NAMI) and other organizations to conduct outreach and develop resource materials. These efforts include, for example, the distribution of a community mental health resource guide and a "911 Checklist" that explains what family members should expect when contacting police. The Department estimates that over 8,000 copies of the checklist, which details information family members should be prepared to provide during a crisis, has been distributed to date.

MEU also has four dedicated Senior Lead Officers (SLOs), who are responsible for attending community meetings and building relationships with resource providers. It is hoped that these outreach programs will be helpful in improving outcomes during critical incidents, while also providing an opportunity to gather feedback and advice from the family members about their own experiences with the police. The establishment of the Family Liaison Unit, whose role will be to communicate with the families of those killed or injured by the LAPD, might also provide an effective conduit for the communication of lessons learned between the Department and family members.

C. Comprehensive Policy on the Use of Force

As noted above, the Task Force recommends that agencies maintain comprehensive policies on the use of force that include training, investigations, prosecutions, data collection, and information sharing. These policies should be clear, concise, and available to the public.¹²²

Although the Department has detailed written provisions for the investigation and adjudication of use of force cases, as well as an overarching policy on when force may be used, it does not currently have written policies on training, data collection, prosecution, and information sharing. The Department does, however, have protocols and systems for each of these, as described throughout these reports. The Department may want to consider whether the current written policy should be supplemented with information on these issues.

With respect to availability, as previously discussed on page 22, the Department does make available its overarching policy on the use of force in general, and deadly force and non-lethal control devices in particular. It does not, however, currently publish all the relevant tactical

¹²² Task Force Recommendation 2.2.

directives on when specific types of force should be used or on related issues, such as de-escalation. These documents are often cited in public reports on individual cases, but are not collected in one public place. In keeping with the Task Force recommendations and general practice of other agencies, the Department should consider making these available to the public as well.

In reviewing LAPD policy, the OIG also notes that the Department has not yet fully implemented policy revisions and other recommendations relating to the investigation and adjudication of less-serious uses of force, known as Non-Categorical Use of Force (NCUOF) incidents. These recommendations were adopted by the Commission in 2013 as the result of two OIG reports that evaluated the LAPD's policies and practices relating to those types of incidents.¹²³ At that time, the OIG found that some areas of the NCUOF investigative process – including “documentation of individual statements, identification and resolution of material conflicts, and written evaluation of the force used” – could be improved and recommended changes to bring about “more transparent and robust evaluations” of those incidents.¹²⁴ The OIG also found issues with the investigation of related complaints of excessive or unauthorized force.

As of this writing, the Department has partially carried out the recommendations adopted by the Commission at that time, but there are some areas, such as those relating to revision of written policy and the development of an officer statement form, that have not yet been fully implemented. The Department has taken steps to address these issues, resulting in draft versions of new policies and forms reviewed by the OIG, but these have not yet been finalized and presented to the Commission for approval. Completing this process would allow the Department to move forward in making the improvements identified by the OIG.

In its reports on NCUOF investigations, the OIG also noted the difficulty of fully auditing the large number of cases where recorded interviews of civilian subjects or witnesses were not required, based on the current policy.¹²⁵ At that time, the Department indicated that it had concerns about its capacity to store additional recordings, and the OIG observed that the “introduction of on-body cameras [should] mitigate this issue by facilitating the routine recording of interviews.”¹²⁶ The OIG further recommended that the Commission evaluate how those devices should be used during the investigative process. Given the ongoing implementation of body cameras and the attendant storage capacity increase, the Commission

¹²³ “Review of Non-Categorical Use of Force Investigations,” Office of the Inspector General, June 11, 2013, http://www.lapdpolicecom.lacity.org/110513/BPC_13-0374.pdf, and “Follow-Up Report on Non-Categorical Use of Force Investigations,” Office of the Inspector General, December 30, 2013, http://www.lapdpolicecom.lacity.org/010714/BPC_13-0192A.pdf.

¹²⁴ “Review of Non-Categorical Use of Force Investigations,” Office of the Inspector General, June 11, 2013, Page 1.

¹²⁵ The Department currently requires the recording of such interviews only in Level I cases, which are so classified because they include a serious injury, substantial inconsistencies among accounts or injuries sustained, or a complaint of unauthorized force. They are not required in the remaining cases, classified as Level II incidents, which made up approximately 93 percent of 1825 NCUOF incidents reported in 2015.

¹²⁶ Follow-Up Report, Page 8.

may want to take this issue under consideration once more. These and other issues will also be tracked by the OIG's new Non-Categorical Use of Force unit, which will focus specifically on analyzing these lower-level uses of force.

D. Recommendations

- The Department should train officers to render aid to subjects following a use of force when safe to do so. It should also ensure, on an ongoing basis, that officers are up-to-date in CPR and First Aid training as required by California law.
- The Department should continue to explore ways to educate families of persons with mental health conditions on communicating with the call-takers and the police, including the development of trainings or forums.
- The Department should complete a draft of the Non-Categorical Use of Force policy revisions adopted by the Commission in 2013 and present it to the Commission for approval. As recommended in the OIG's 2013 Follow-Up Report, it should also evaluate the possibility of using body-worn cameras to record non-employee witness interviews during a Level II Non-Categorical Use of Force. The findings of this review should also be presented to the Commission for its review.

VIII. POLICIES ON STOPS AND SEARCHES

In keeping with the principles of procedural justice, the Task Force recommends that officers making stops identify themselves by their full name, rank, and command, and that they provide that information in writing to individuals they have stopped (for example, with a business card). The Task Force also recommends that officers must state the reason for the stop, as well as for any search if conducted.¹²⁷

LAPD policy currently requires that officers provide a business card to those they have detained and released without a citation or arrest, and that, for stops that are documented in the stop data system, the business card include the date and time of the stop as well as the last four digits of the related incident number. It also requires that the person be informed of the reason for the detention.¹²⁸

Despite these mandates being written in the policy manual, however, the OIG has observed that officers do not appear to consistently provide subjects of a stop with a business card. It has also noted in a previous report that reviewers could not always identify the explanation of the stop in videos associated with a pedestrian stop.¹²⁹ Following the OIG's raising of this issue, the Office

¹²⁷ Task Force 2.11 and 2.11.1.

¹²⁸ See LAPD Manual Sections 4/202.02, "Field Data Reports/Completion and Tracking," and 4/296.01, "Business Cards – Detainee Released Without Being Booked or Cited."

¹²⁹ "Review of the Digital In-Car Video System," Office of the Inspector General, March 31, 2015. Available at http://www.lapdpolicecom.lacity.org/033115/BPC_15-0073.pdf.

of Operations moved quickly to prepare a notice reminding all Bureau commanding officers of requirements relating to collecting stop data and, when no enforcement action is taken, providing those stopped with a business card.

The Department should continue to ensure that these policy requirements, which are in line with procedural justice principles, are well understood and consistently practiced by officers in the field.

A. Recommendations

- The Department should continue to reinforce and hold officers accountable for requirements that they identify themselves during a stop, provide a business card, and explain the reason for the stop.
- The Department should prioritize the deployment of body-worn and in-car video cameras to those officers with the highest volume of discretionary activity, including Metropolitan Division crime suppression details (see page 33).

IX. COMMUNITY POLICING

The Task Force highlights the importance of community policing as a “guiding philosophy” that emphasizes partnership and collaboration between the community and police in order to identify and solve problems. Features of a community policing program include regular mechanisms for engaging the community, such as advisory boards, citizen academies, programs for youth, and ride-alongs, while also ensuring opportunities for patrol officers to interact in a nonenforcement capacity with neighborhood residents and leaders.

A. Community Policing Policies and Strategies

The Task Force recommends that agencies develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety.¹³⁰ It also recommends that agencies create opportunities in schools and communities for positive nonenforcement interactions with police, and that law enforcement work with neighborhood residents to identify problems and collaborate on solutions. As related items, the Task Force recommends the scheduling of regular forums; the engagement of youth and communities through citizen academies, ride-along, and other teams; and the establishment of formal community/citizen advisories to assist with crime prevention strategies.¹³¹

Over the past two decades, the LAPD has embraced community policing as its primary philosophy, as described in its core values: “We will work in partnership with the people in our communities and do our best, within the law, to solve community problems that affect public

¹³⁰ Task Force Recommendation 4.1.

¹³¹ Task Force Action Item 1.5.3.

safety.”¹³² To this end, it has developed an extensive network of programs to engage and partner with the community it serves.

One highlight is the Community Safety Partnership (CSP), a collaboration between the Department and City Housing Authority that embeds specialized groups of officers into the communities of eight public housing developments. Officers commit to staying at this assignment for a period of at least five years, which gives them an opportunity to build relationships with community members, help develop and support youth programs, and provide other assistance. This program, which has been associated with significant drops in crime and improvements in homicide clearances, was recently expanded to the Harvard Park neighborhood. This will be the Department’s first CSP program outside a housing development.

Other LAPD community programs include, for example:

- The Senior Lead Officer (SLO) program, which assigns officers to oversee each basic car area and act as a liaison between the community and the Department;
- Youth programs such as the Summer Night Lights park program, the Cadet leadership program, and LAPD magnet schools; and
- Homeless outreach programs such as the Homeless Outreach and Proactive Engagement (HOPE) program, which assigns multidisciplinary teams of officers and outreach workers to connect residents with services and shelter.

Each of these programs works in collaboration with neighborhoods and other government agencies to identify and address problems. In the past year, the Department has reinforced its commitment to what it calls “relationship-based” policing by consolidating many community engagement and outreach programs under the umbrella of the Community Relationship Division.

The Department has also developed an extensive network of programs to facilitate ways for residents to partner with officers on ways to improve their communities. These include regular forums based both on geographic district and membership in other communities. For example, the Department regularly holds forums with the Muslim community as well as with the LGBTQ community. The LAPD also conducts regular citizen academies, which teach community members about the Department’s operations and policing in general. Finally, the Department maintains formal Citizen-Police Advisory Boards in each of the LAPD’s 21 divisions, which work with the local area command to improve the neighborhood’s quality of life and address problems as they arise.

These programs are described in greater detail in the Department’s recent report on biased policing, as well as in its 2015 Strategic Plan.¹³³

¹³² LAPD Manual 1/110.10 “Service to Our Communities.”

B. Infusing Community Policing Throughout the Agency

The Task Force recommends that community policing be infused throughout the culture and organizational structure of the agency, and that officers be evaluated on their efforts to engage members of the community and the partnerships they develop.¹³⁴ As part of this process, agencies should develop programs that allow patrol officers to interact regularly with residents and with faith and business leaders.¹³⁵ To ensure that this is possible, the Task Force also recommends that agencies evaluate patrol deployment practices to allow sufficient time for those officers to participate in problem solving and community engagement.¹³⁶

The OIG has found that the Department has demonstrated its commitment to community policing by dedicating staff to reaching out to the community, investing in programs like the ones listed above, the creation of “foot beat” units, and other activities. Moreover, in keeping with the Task Force’s recommendation that an agency’s approach to community policing involve all patrol officers, not just those assigned to specialized divisions or units, the Department has made clear that it expects officers at all levels and positions to engage in community policing strategies.¹³⁷

In recent months, however, the OIG has heard concerns from officers who feel the Department’s emphasis on producing results -- for example, COMPSTAT numbers such as arrests, field interviews, and guns confiscated -- creates a disincentive for officers to spend time engaging with community members. Others have expressed concerns that, due to low numbers of personnel assigned to patrol duties, they feel pressure not to spend too much time conducting non-enforcement activities or, as noted in a previous section, attend training.¹³⁸

The Department has recently taken steps to increase its minimum patrol staffing levels at each area, which should alleviate many of these concerns. It is also exploring ways to analyze the amount of time that individual officers spend on proactive policing activities, and what these activities consist of.¹³⁹ Given the Department’s commitment to community policing, it should continue to evaluate current deployment practices, as recommended by the Task Force, to assess whether they provide enough time for all patrol officers to spend time on community

¹³³ See “Report of the Los Angeles Police Department on the Prevention and Elimination of Biased Policing,” Los Angeles Police Department, November 15, 2016 (BPC 16-0391) and “LAPD in 2020,” Los Angeles Police Department Strategic Plan, 2015.

¹³⁴ Task Force Recommendation 4.2 and Action Item 4.2.1.

¹³⁵ Task Force Action Item 4.4.2.

¹³⁶ Task Force Recommendation 4.2.1.

¹³⁷ See Biased Policing report, Page 31.

¹³⁸ See, for example: “L.A. Councilman Mike Bonin unveils plan to put more cops in neighborhoods,” January 19, 2017.

¹³⁹ The Department currently uses a computerized system, known as Patrol Plan, that calculates deployment numbers sufficient to reach a 7-minute response time for emergency calls and for Area personnel to be able to spend 40 percent of their combined time on proactive policing activities.

engagement and to attend necessary training. It should also look at how such community engagement activities are documented and measured, and whether the LAPD's current incentive and promotion systems properly balance traditional crime suppression activities with community policing.

C. Recommendations

- The Department should continue to evaluate deployment practices to ensure that there is sufficient time for officers to engage in community engagement and partnership.
- The Department should explore ways to measure and incentivize activities associated with community policing. The Department should then return to the Commission in 90 days to present its findings and proposed action on this topic.

[THIS SPACE INTENTIONALLY LEFT BLANK]

X. RECOMMENDATIONS FOR COMMISSION

In the course of preparing this report, the OIG presented its findings to Commissioners Matthew Johnson and Shane Murphy Goldsmith. Based on the OIG's presentation and concurrence, Commissioners Johnson and Goldsmith make the following recommendations for the full Commission's consideration:

A. Adopting Procedural Justice as a Guiding Principle

- The Department shall continue to look at ways to incorporate procedural justice into all aspects of Department process and practice, including development of policies and procedures, evaluation of officers' performance, and the provision of information to the public.
- The Department shall ensure that historical documents and reports regarding the LAPD, such as reports on the Consent Decree, Christopher Commission, and Rampart Incident, are available on the Department's website, and that discussion of LAPD's past is included in Department trainings where appropriate.
- The Department shall continue to develop the Police Sciences and Leadership series, ensuring that the program has sufficient staffing and support.
- The Department shall conduct an in-depth evaluation of the disciplinary system, to include an employee survey, and identify ways to improve procedural justice internally.

B. Preventing Biased Policing

- The Department shall consider having a permanent cadre of training staff assigned to PSL and/or FIP, and continue to ensure that classes are taught by experienced, skilled trainers.
- The Department shall continue to implement implicit bias training for officers at all levels, assessing effectiveness of the training on an ongoing basis.
- The Department shall continue to ensure the selection of training coordinators and Field Training Officers (FTOs) who demonstrate cultural and community sensitivity, as well as a commitment to identifying and reducing the effects of implicit bias.
- The Department shall consider how to implement supervisor and agency-level protocols and systems to mitigate implicit bias in officer interactions with the public. It shall also conduct research on recommended approaches and report back on its findings to the Commission.
- The Department shall continue to consider ways to incorporate community participation in the development and delivery of training for officers, where relevant.
- The Department shall expand its policies to include anti-bias language for immigration status, housing status, occupation, and language fluency.

C. Establishing a Culture of Transparency and Accountability

- The Department shall update and keep current the online version of the Manual of Policies and Procedures, along with an online index of Special Orders by date to show when policies have been changed.
- The Department shall post an up-to-date index of policies and directives that are of interest to the public, including but not limited to policies on: the use of force; use of specific force options; de-escalation; the intake, investigation, and adjudication of personnel complaints; use of body-worn and in-car video cameras and footage; and biased policing.
- The Department shall continue to expand and use, where relevant, processes to solicit, gather, and consider feedback from members of the public prior to making significant policy changes.
- The Department shall continue to conduct the community survey on an annual basis, and publish and analyze the results, including year-to-year changes. The Department shall also consider adding additional questions regarding the factors affecting respondents' answers.

D. Collection and Reporting of Data

- The Department shall resume online publication of statistical data on stops, arrests, complaints, and other activity. It shall also continue to expand its open data access and update its Police Data Initiative datasets.
- The Department shall require that all uses of less-lethal weapons against a person are reported and included in the use of force tracking database, including those that do not make contact with a person.
- The Department shall continue to develop a plan to implement the requirements of AB 953. In doing so, it shall consider whether there are additional data fields that might be useful for LAPD purposes.
- The Department should develop, in consultation with the Commission and the OIG, systems and mechanisms for the analysis of stop and search data to identify potential evidence of disparate treatment, implicit or explicit bias, differential enforcement practices, or Fourth Amendment concerns. As part of this process, it shall present the findings of the recent evaluation of the TEAMS II Early Warning System to the Commission and discuss the extent to which stop data could be incorporated into its framework, along with other tools for analysis.

E. The Use of Force

- The Department shall train officers to render aid to subjects following a use of force when safe to do so. It shall also ensure, on an ongoing basis, that officers are up-to-date in CPR and First Aid training as required by California law.

- The Department shall continue to explore ways to educate families of persons with mental health conditions on communicating with the call-takers and the police, including the development of trainings or forums.
- The Department shall complete a draft of the Non-Categorical Use of Force policy revisions adopted by the Commission in 2013 and present it to the Commission for approval. As recommended in the OIG's 2013 Follow-Up Report, it shall also evaluate the possibility of using body-worn cameras to record non-employee witness interviews during a Level II Non-Categorical Use of Force. The findings of this review shall also be presented to the Commission for its review.

F. Stops and Searches

- The Department shall continue to reinforce and hold officers accountable for requirements that they identify themselves during a stop, provide a business card, and explain the reason for the stop.
- The Department shall prioritize the deployment of body-worn and in-car video cameras to those officers with the highest volume of discretionary activity, including Metropolitan Division crime suppression details.

G. Community Policing

- The Department shall continue to evaluate deployment practices to ensure that there is sufficient time for officers to engage in community engagement and partnership.
- The Department shall explore ways to measure and incentivize activities associated with community policing. The Department shall then return to the Commission in 90 days to present its findings and proposed action on this topic.