

# LOS ANGELES POLICE COMMISSION

## FOLLOW-UP REVIEW OF NATIONAL BEST PRACTICES



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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# OFFICE OF THE INSPECTOR GENERAL

## FOLLOW-UP REVIEW OF NATIONAL BEST PRACTICES

### I. INTRODUCTION AND EXECUTIVE SUMMARY

At the request of the Board of Police Commissioners (“BOPC” or “Commission”), the Office of the Inspector General (“OIG”) conducted a review of the status of 24 national best practice recommendations adopted by the Commission in May 2017 with regard to the Los Angeles Police Department (“LAPD” or “Department”).<sup>1</sup> These recommendations were based on a review of principles set forth in two reports – the “Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing” (“Task Force Report”)<sup>2</sup> and the Police Executive Research Forum’s “Guiding Principles on Use of Force” (“PERF Report”)<sup>3</sup> – that were developed in response to the national conversation on policing, race, and the use of force.

This report follows four status updates previously presented to the Commission by the Department, and it is the result of ongoing tracking and extensive collaboration between the OIG and the Department to develop the best way to implement each objective. A full discussion of all of the items, including the underlying best practices, can be found in the OIG’s 2017 report (“initial report”) on this topic.

Overall, the OIG found that the Department has made great strides in implementing the recommendations adopted by the Commission. This report sets forth the steps that have already been taken to implement each of the recommendations, as well as efforts that are in progress or planned for the future.

### II. BACKGROUND

In May 2017, the OIG presented to the Commission an analysis of the degree to which the LAPD had implemented recommendations contained in two then-recent national best practice documents. Each document provided a series of broad recommendations for agencies working to effectively fight crime while building community trust and minimizing the use of force:

- The first document, the “Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing,” presents the findings and recommendations compiled by a task force convened 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.”<sup>4</sup>

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<sup>1</sup> “Review of National Best Practices,” Office of the Inspector General, May 2, 2017. Available at [https://docs.wixstatic.com/ugd/b2dd23\\_68104e440d624094ad9e7e6e3971bb5f.pdf](https://docs.wixstatic.com/ugd/b2dd23_68104e440d624094ad9e7e6e3971bb5f.pdf).

<sup>2</sup> “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](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

<sup>3</sup> “Guiding Principles on the Use of Force,” Police Executive Research Forum, March 2016. Available at [http://www.policeforum.org/assets/30\\_guiding\\_principles.pdf](http://www.policeforum.org/assets/30_guiding_principles.pdf).

<sup>4</sup> “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](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

- The second document, “Guiding Principles on Use of Force,” issued by the Police Executive Research Forum (PERF), was also developed in response to what some perceived as the current “crisis of public safety and officer safety.”<sup>5</sup> It was 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 selected seven primary areas that were of particular interest to the Commission and the public, and in which the Department had been in the process of making changes. These topics included the general themes of: (A) adopting the principles of external and internal procedural justice; (B) prevention of biased policing; (C) establishing a culture of transparency and accountability; (D) collection and reporting of data; (E) policies and practices relating to the use of force; (F) stop and search policies; and (G) expanding community policing.

In its initial report, the OIG found that the LAPD had fully or partially implemented the majority of the best practice recommendations in some form and that, in many cases, these were long-standing Department practices. There were other areas where the Department was in the process of taking steps to more fully implement the recommendations, in some cases at the specific direction of the Commission.

The OIG’s initial report also offered several additional recommendations aimed at the full implementation of Task Force principles in the seven selected areas. The status of those recommendations is described further below.

### **III. PROCEDURAL JUSTICE AS A GUIDING PRINCIPLE**

One of the Task Force’s overarching recommendations was 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.<sup>6</sup> As part of this process, the Task Force Report recommended that agencies “acknowledge the role of policing in past and present injustice and discrimination” and the difficulty this poses in building community trust.<sup>7</sup> The Task Force Report also emphasized the importance of promoting legitimacy within the organization by applying the principles of procedural justice.<sup>8</sup>

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

- treating people with dignity and respect;

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<sup>5</sup> “Guiding Principles on the Use of Force,” Police Executive Research Forum, March 2016. Available at [http://www.policeforum.org/assets/30\\_guiding\\_principles.pdf](http://www.policeforum.org/assets/30_guiding_principles.pdf).

<sup>6</sup> Task Force Recommendation 1.1.

<sup>7</sup> Task Force Recommendation 1.2.

<sup>8</sup> Task Force Recommendation 1.4.

- 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.

**Recommendation A-1: 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.**

Since the publication of the OIG's initial report, the Department has taken a number of important steps to institutionalize and explain the concept of procedural justice across the organization and to hold officers accountable for following its principles. In order to support these efforts, the OIG has also begun to assess the use of procedural justice principles during vehicle and pedestrian stops, where applicable.<sup>9</sup> As a result of these reviews, the OIG has also made additional recommendations to assist in ensuring that members of the public are treated in a procedurally just manner and that related Department policies are being followed.

Some of the steps that have been taken so far include the following:

- The development of an ongoing, high-level working group on procedural justice. This group includes leadership from the Chief of Staff, Office of Operations, Office of Special Operations, Office of Support Services, and Office of Constitutional Policing and Policy, as well as the OIG.
- The Department-wide distribution of a Leadership Brief on the topic of procedural justice.<sup>10</sup> The Brief includes a message from the Chief, which emphasizes the importance of leadership in this area, and notes that questions on this topic will likely be included as part of the promotional process for officers. As a follow-up to this project, the Department is also working on a training bulletin that will provide "action-based approaches" to implementing procedural justice during public contacts.
- The continued incorporation of procedural justice concepts and associated expectations into employee training courses. These include, for example, Leadership Enhancement and Development Sessions (LEADS) for command staff and the recent "Best Practices in Proactive Enforcement" training sessions for Gang Enforcement Detail and Metropolitan Division personnel, as well as a separate training for supervisors from those two units. As noted in the OIG's original report, the California Commission on Peace Officer Standards and Training (POST) has also incorporated procedural justice into a number of

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<sup>9</sup> See "[Review of Arrests for Violations of California Penal Code Section 148\(a\)\(1\)](#)," Office of the Inspector General, August 28, 2018, and "[Review of Gang Enforcement Detail Stops](#)," Office of the Inspector General, February 5, 2019.

<sup>10</sup> "Procedural Justice," [Leadership Brief: Quarterly Topics for Supervision](#), Issue 2, May 2019.

academy training modules, called Learning Domains. This topic had already been built into the LAPD's Police Sciences and Leadership (PSL) program as well as its training for Field Training Officers (FTOs). These programs are discussed in greater detail later in the report.

- The implementation of a procedural justice assessment as part of revised procedures for Watch Commander review and approval of certain types of arrests.<sup>11</sup> The addition of this component – which encompasses arrests for interfering, resisting, or assaulting an officer – was one of the OIG recommendations adopted by the Commission following the OIG's review of arrests for Penal Code Section 148(a)(1).<sup>12</sup>
- Procedural justice review for supervisors. The Department is developing a process to facilitate the ongoing review of, and feedback to, officers on procedural justice issues. The process will also allow supervisors to select relevant videos that might be useful for training purposes. These developments are currently on hold pending a union meet-and-confer process, but they are expected to be implemented in the future.
- The distribution of laminated cards reminding members of the public of their rights and obligations with regard to filming in public. The cards also inform officers of the legal and policy parameters regarding this topic.

**Recommendation A-2: 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.**

As noted above, the Task Force Report recommended that agencies acknowledge policing's past role in injustice and discrimination, and address how this affects community trust. As part of this process, the Department has created a page on its website entitled "Historical Documents and Internal Reports" that includes a section on the Consent Decree and the Rampart Corruption Scandal. It has worked with the OIG to locate and post a number of reports and assessments of the LAPD conducted by outside entities, and it continues to add to this section as appropriate.

The OIG's initial report noted that training courses, such as the recent Department-wide "Public Trust and the Preservation of Life" course, included a block on the history of the LAPD. The OIG recommends that the Department continue to include a discussion of such issues in future trainings where appropriate.

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<sup>11</sup> See "Body Worn Video or Digital In-Car Video System Review Prior to Watch Commander Approval of Interfering, Resisting, or Assault on an Officer Arrests," Office of Operations, September 20, 2018, and "Department's Response to the Board of Police Commissioners Request to Review Arrests for Violations of California Penal Code Section 148(a)(1)," Los Angeles Police Department, May 28, 2019.

<sup>12</sup> "[Review of Arrests for Violations of California Penal Code Section 148\(a\)\(1\)](#)," Office of the Inspector General, August 28, 2018

**Recommendation A-3: The Department shall continue to develop the Police Sciences and Leadership series, ensuring that the program has sufficient staffing and support.**

The OIG's initial report paid significant attention to the Department's Police Sciences and Leadership (PSL) program, which is designed to bring officers back with their Academy class for leadership training at specified points in their career. The first phase of the program, called PSL I, was implemented in 2016 and is provided to officers during the 11<sup>th</sup> month of their one-year post-Academy probationary period. Overall, the OIG found that this training is well aligned with the principles and values set forth by the Task Force and PERF, including procedural justice.

At the time of the OIG's initial report in May 2017, the Department was in the process of developing the next phase of the PSL program, PSL II. This course was designed to take place after the third year of an officer's tenure, and it uses extensive role playing scenarios to build officers' skills in effective communication, procedural justice, de-escalation, use of force, and advanced tactics.

Since the 2017 report, the Department has piloted the PSL II course twice and obtained POST certification for it. It also held one official session of the course in March 2019, but it has not yet begun to hold the class regularly due to resource issues. According to the Department, it intends to launch monthly implementation of the course in late 2019.

The OIG also noted, in its initial report, that there was only one permanent staff member assigned to PSL at that time (see also Section B-1). Since then, the Department has created a PSL unit permanently staffed by one sergeant and four officers, along with two additional adjuncts from a different unit.

**Recommendation A-4: 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.**

In July 2018, the Department implemented an "All-Employee Survey" that asked for employee opinions and experiences in a number of areas, including discipline. The survey asked employees to rank the top three priorities (from a list of ten) that they wanted the Department to address and found that, for sworn officers, the topic of personnel complaints was the highest-rated issue. Comments related to this issue indicated that some officers viewed the system for investigating and adjudicating these complaints to be unfair and arbitrary.<sup>13</sup>

Following the survey, the Chief of Police designed a series of Single Purpose Innovation Groups (SPIGs) to focus on conducting comprehensive evaluations of various areas of the Department.

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<sup>13</sup> A relatively small number (151) of respondents included additional comments on this topic.

Ten SPIGs looked at 14 topics over a period of three months, with the goal of developing long- and short-term recommendations related to innovation, fairness, efficiency, and effectiveness.

The Discipline SPIG submitted to the Chief of Police a series of recommendations related to increasing fairness and procedural justice across the disciplinary system. Among other topics, these recommendations suggested changes to streamline the disciplinary process, reduce redundancy, address frivolous complaints and minor misconduct, and track disciplinary rationales and penalties to ensure fairness and equity across the Department. These were forwarded to Professional Standards Bureau for consideration and implementation, where appropriate.

In May 2019, Professional Standards Bureau distributed a response stating that “while some recommendations require[d] additional work and evaluation, other recommendations [were] already implemented or soon to be implemented.”<sup>14</sup> Some of the recommendations that had already been implemented included the following:

- Guidelines regarding minor misconduct identified during a review of body-worn or in-car video.<sup>15</sup>
- The implementation of a revised Penalty Guide.<sup>16</sup>
- The posting of reference materials and exemplars related to personnel complaints.

The Department recently distributed its 2019 All-Employee Survey, which will be used to assess progress and build on previous research. The OIG will continue to monitor this process as well as any recommendations that come out of the SPIGs related to the disciplinary system.

#### **IV. PREVENTING BIASED POLICING**

The Task Force Report emphasized 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 recommended that teaching officers to mitigate bias in their decision-making should be “a part of training at all levels of a law enforcement organization.”<sup>17</sup> As a related issue, the Task Force Report also recommended 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.”<sup>18</sup>

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<sup>14</sup> “Personnel Complaint Process – Reminders,” Professional Standards Bureau Notice, May 2, 2019.

<sup>15</sup> “Guidelines for Reviews of Body Worn Video and Digital In-Car Video Recordings,” Professional Standards Bureau Notice, August 27, 2015.

<sup>16</sup> “Penalty Guide and Penalty Assessment Factors – Updated.” Administrative Order No. 15, September 15, 2016.

<sup>17</sup> Task Force Report, Building Community Trust, page 11.

<sup>18</sup> Task Force Recommendation 2.13.

**Recommendation B-1: 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.**

In reviewing the Department's training on implicit bias, the OIG's initial report noted that two of the relevant courses (PSL and the FTO Update), both of which used a modified version of the Fair and Impartial Policing (FIP) curriculum to provide implicit bias training, relied extensively on adjunct instructors. As noted, there was only one permanent staff member assigned to PSL and, of the 23 initial FIP Cadre members, only three had been actively involved in providing training.

As previously discussed (see Section A-3), the Department has since created a fully-staffed PSL unit that includes one sergeant and four police officers, as well as two adjunct staff assigned to a different program. Beginning in October 2018, the Department also brought in an outside expert<sup>19</sup> to teach a four-hour block on implicit bias at the beginning of the PSL I course.

With respect to the FIP cadre, the Department reviewed the possibility of creating a permanent cadre and ultimately determined that it did not have the resources to do so. As such, it will continue to rely on a small number of specially-selected adjunct staff. OIG staff recently attended the FIP portion of a recent FTO Update course and found the instructors to be skilled and experienced.

Finally, Training Division has selected several staff members to attend a three-day "train-the-trainer" course for the Principled Policing curriculum, which was developed by California POST and focuses on implicit bias and procedural justice. Attendees, who were drawn from Academy, FTO, and PSL training units, will learn the skills to teach these topics effectively. To ensure consistency across the Department in this area, the Director of Police Training and Education and the head of the Instructional Design Unit have also attended the course.

**Recommendation B-2: 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 completed a Department-wide training on implicit bias in 2017, which was led by the same outside expert mentioned above. In April 2018, the Department published a review of the training, including results of course evaluations.<sup>20</sup> The report found that 81 percent of the respondents rated the course favorably (above average), and 90 percent rated the instructor in the "most favorable" category. Fifty-nine percent indicated that they thought it was "more likely" that they would incorporate changes in the future, with an additional 23 percent saying that this

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<sup>19</sup> The Department engaged Dr. Bryant Marks, a national expert on implicit bias and professor of psychology at Morehouse College, for this purpose.

<sup>20</sup> "Implicit Bias Course Summary and Department Training Plan," Police Sciences and Training Bureau, April 19, 2018.

was “likely.” As discussed above, the Department has also incorporated this material into PSL I, which ensures that all incoming officers will receive the training during their first year.

State law requires that officers undergo training on racial profiling every five years. This requirement was recently expanded to mandate that the training include content on implicit bias.<sup>21</sup> In addition to the courses discussed in the previous section, the Department has also incorporated implicit bias content into a number of other trainings, including:

- Recruit Basic Course (Academy). This course discusses biased policing and includes experiential exercises at the Museum of Tolerance. This course also includes POST-mandated content on procedural justice.
- PSL I. This course is provided to new officers in their 11<sup>th</sup> month of probation (see above).
- PSL II (forthcoming). This course will be provided to officers after their third year and includes content on the topics of procedural justice and ethics, including their relationship to implicit bias.
- Building Community Trust and Biased Policing. This 10-hour course at the Museum of Tolerance is designed to ensure that officers meet the State mandate regarding training on biased policing every five years.
- FTO Update. This four-hour block is part of the course that Field Training Officers must complete every three years, and it focuses on “Implicit Bias and Training a New Police Officer.”
- Supervisor School. For new supervisors, this course discusses the impact of implicit bias and trains supervisors on the intake and processing of biased-policing complaints.
- Command Development School. This course, for new command staff, focuses on supporting procedural justice for officers, civilians, and the community and, in doing so, minimizing or mitigating the effects of implicit bias.

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<sup>21</sup> See California Penal Code §13519.4(h).

**Recommendation B-3: 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.**

This recommendation was prompted, in part, by observations made by OIG staff in 2017 of significant resistance on the part of some FTOs and training coordinators to the research and concepts being presented during implicit bias training, as well as to the overall purpose of the training itself. At that time, the OIG noted 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.”<sup>22</sup>

Since the OIG’s initial observations, the Department has revamped and reframed its FTO Update course in an attempt to decrease some of the resistance noted above. The OIG has observed two subsequent sessions and has been generally satisfied with the participation by FTOs in those courses.

With respect to FTO selection, the Department does include a specific competency section that addresses cultural and gender sensitivity, and it is working to develop a digitized FTO management system that will allow for more effective tracking and analysis of FTO and probationary officer performance. As part of this process, it will also be overhauling the FTO Update training, but it is committed to keeping implicit bias as one of the components of that course.

To assist the Department in these efforts, the OIG has recently initiated a review of the FTO program, with a specific focus on initial selection and ongoing evaluation, as well as the new digital management system. The results of this review, along with any recommendations for improvement, will be presented to the Commission upon completion.

**Recommendation B-4: 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.**

To date, much of the Department’s approach to implicit bias has focused on training, which helps to reduce biases by discussing them and encouraging officers to recognize them for what they are.<sup>23</sup> In April 2018, it presented a report to the Commission that provided an evaluation of the training that had already been completed and introduced future plans for additional trainings.

The Department has also begun a number of processes, some of which are related to other recommendations in this report, that reflect lessons learned from research and training on

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<sup>22</sup> LAPD Manual 3/763.85, “Field Training Officer Qualification and Selection/Assignment Requirements.”

<sup>23</sup> “Understanding Bias: A Resource Guide,” Community Relations Services Toolkit for Policing, U.S. Department of Justice.

implicit biases. These efforts acknowledge the limitations of traditional approaches to identifying and preventing discriminatory behavior, and they look for new ways to address biased policing that may be implicit or unconscious in nature. Along with training officers on implicit bias, some of the Department's steps in this direction include the following:

- Emphasis on procedural justice. As discussed in Section A-1, the Department has made a concerted effort to educate officers about procedural justice and to develop and communicate its expectations about how officers will apply this concept in the field. Research has shown that implicit bias can pose a barrier to procedural justice.<sup>24</sup> As such, one of the goals of focusing on procedural justice is to “override a reflexive reliance on bias by encouraging officers to consider how they talk and how they listen to everyone they encounter on the job,” and to “apply the law fairly and impartially.”<sup>25</sup>
- Collection of detailed stop data. As discussed in Section D-3, the Department has recently begun, as a result of a new State law, to collect additional information about each stop or detention conducted. The data collection form asks officers to provide additional detail about why they initiated each stop and the basis for which they conducted each search. The data also requires officers to enter the results of these activities. This practice may work to “slow down” officers’ thinking and ensure that they do not act on automatic hunches or suspicions that are based on implicit associations.<sup>26</sup>
- Development of community engagement metrics and incentives. As discussed in Section G-2, the Department is working to identify metrics to measure and incentivize community engagement by officers that occurs in a non-enforcement capacity. Research has shown that positive interactions with unfamiliar or stereotyped communities can help to minimize biases, particularly those developed over repeated negative interactions.<sup>27</sup>
- Expanded video review by supervisors. As discussed in Section A-1, the Department has been developing ways for Watch Commanders and other supervisors to review body-worn video footage in order to review the basis for officers’ actions, their written description and articulation of decision-making, and their adherence to procedural justice principles. The review will also look at tactical considerations during stops conducted by officers. This practice has been recommended as a way for supervisors to identify and address possible biased policing on the part of their subordinates. Indications of possible bias may be found in statements made by the officers, the use of boilerplate language or

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<sup>24</sup> “Principled Policing: Procedural Justice and Implicit Bias,” A Stanford SPARQ and California Department of Justice White Paper on the Principled Policing Training Evaluation, 2016.

<sup>25</sup> “Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do,” Jennifer L. Eberhardt, Viking Press, 2019, pages 83-86.

<sup>26</sup> Kahneman, D., “Thinking, Fast and Slow.” New York: Farrar, Straus and Giroux, 2011.

<sup>27</sup> 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.

conclusions that do not appear to be well supported, or the application of a “standard operating procedure” when interacting with a certain group.<sup>28</sup>

- Data analysis. As discussed in Section D-4, another systemic approach to identifying and addressing the effects of implicit bias is the analysis of data, such as stop data, and the incorporation of multiple levels of review from different perspectives.<sup>29</sup> The Department has engaged a reviewer to analyze its stop data for potential issues, and it is in the process of developing a working group to develop a methodology for ongoing, internal review of this data as well.

**Recommendation B-5: The Department should continue to consider ways to incorporate community participation in the development and delivery of training for officers, where relevant.**

As of now, community participation is most prominently incorporated into three trainings:

- Mental Health Intervention Training (MHIT). This training includes participation from, among others, representatives from the Department of Mental Health, community mental health providers, people with mental health conditions or other disabilities – as well as families of those people, and actors who assist with the scenario-based component of the program.
- Gang Intervention Awareness Training. This training includes the participation of gang intervention workers, who discuss their role in reducing violence and how they can best work with law enforcement.
- PSL I. As noted in previous sections, the Department has engaged an outside expert to provide a block of training on implicit bias.

The Department’s Police Training and Education Division, which is responsible for the development of training curricula, also incorporates community involvement through its Professional Advisory Committee (PAC). According to the Department, this committee is composed of community leaders, educators, and other community stakeholders who may audit and evaluate LAPD trainings. The PAC meets quarterly to discuss current research in the field, review LAPD materials, provide feedback on trainings observed, and make recommendations to the Department. The goal of the PAC is to assist in the effective integration of community and human relations concepts into LAPD training.

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<sup>28</sup> “Fair and Impartial Policing,” Supervisors’ Curriculum.

<sup>29</sup> “Preventing Community Crisis: Implicit Bias, Procedural Justice, and Police Community Partnerships,” Workshop by Northwestern University Center for Public Safety, 2016.

**Recommendation B-6: The Department shall expand its policies to include anti-bias language for immigration status, housing status, occupation, and language fluency.**

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. In addressing this issue, the Task Force Report recommended 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.”<sup>30</sup>

While the Department’s current policy is generally well aligned with this recommendation, it did not, at the time of the OIG’s initial report, include the categories of immigration status, housing status, occupation, and language fluency. The LAPD had separate policies on immigration and housing status, as well as language fluency, but the OIG recommended that the Department develop specific anti-bias language about these classifications as well.<sup>31</sup>

The OIG has had several conversations with the Department and Commission members about the most appropriate way to address this recommendation. A draft policy that incorporates the recommended revisions was recently finalized and is expected to be presented to the Commission in the coming weeks.

**V. ESTABLISHING A CULTURE OF TRANSPARENCY AND ACCOUNTABILITY**

The Task Force Report emphasized 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 requires having clear, neutral policies for the release of as much information about critical incidents and police operations as possible, within the limits of applicable 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.

One of the first steps recommended by the Task Force Report is for a law enforcement agency to make all of its policies available for public review, with particular emphasis on use of force policies.<sup>32</sup> The Task Force Report also recommended that when serious incidents occur,

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<sup>30</sup> Task Force Recommendation 2.13.

<sup>31</sup> See LAPD Manual 1/390, “Undocumented Aliens,” 1/240.07 “Policy Regarding Contacts with Persons Experiencing Homelessness,” and 1/240.25 “Language Policy.”

<sup>32</sup> Task Force Action Item 1.3.1 and 2.2

including those involving alleged police misconduct, agencies communicate with the media swiftly, openly, and neutrally, respecting those areas where confidentiality is legally required.<sup>33</sup>

Since the OIG's initial report was presented, the Department and the Commission have implemented a series of significant policies with respect to increasing transparency, including those authorizing the release of video footage and other files related to certain critical incidents.<sup>34</sup> The Department is also currently working to prepare for the implementation of California Senate Bill (SB) 978. This new law, which requires that agencies post "all current standards, policies, practices, operating procedures, and education and training materials" that would be disclosable in response to a California Public Records Act request, will go into effect on January 1, 2020.

Steps taken in other related areas are described below.

**Recommendation C-1: 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.**

In its initial review, the OIG noted that the online version of the Department's Manual of Policies and Procedures ("Manual") did not appear to be up to date, and that its format did not make it clear when specific policies had been changed.

In response to the OIG's recommendations, the Department created a new page on its website titled "Policies and Procedures" (linked on the homepage).<sup>35</sup> This page links to the full Manual and provides links to all Special Orders, Administrative Orders, and Operations Orders dating back to 2015. This feature allows members of the public to check for new and revised policies and to see when these changes were made. The Department also identified and addressed a technical issue that was preventing the Manual from being updated regularly.

**Recommendation C-2: 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 OIG has found that while the online Manual is fully indexed, it can be difficult to locate some policies, which may be spread across several sections or volumes. To make it easier for members of the public to find items of interest, the Department has also created separate postings that include its use of force policy, as well as policies on the use of body-worn and in-car video.

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<sup>33</sup> Task Force Action Item 1.3.2. See also PERF Principle 13.

<sup>34</sup> "Critical Incident Video Release Policy – Established," Administrative Order No. 6, Los Angeles Police Department, April 13, 2018. See also Senate Bill 1421 (2018). Relevant information can be found at [http://lapdonline.org/use\\_of\\_force](http://lapdonline.org/use_of_force) and <http://www.lapdonline.org/lapdsb1421>.

<sup>35</sup> [www.LAPDOnline.org](http://www.LAPDOnline.org).

The Department maintains a separate page that provides information on the complaint process, which is also linked to the homepage. The OIG expects that, once revised, the updated biased policing policy will also be posted on this page (see Section B-6).

One aspect of Departmental transparency that has yet to be addressed concerns certain LAPD use of force directives. As noted in the OIG's initial report, 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 descriptions of the circumstances under which each option may be used, as well as additional information about each weapon, tactical guidance, and specific procedures for deployment.

These documents have not yet been posted by the Department, reportedly due to concerns about their sensitive nature. According to recent discussions, however, the Department does expect to publish these items in order to comply with SB 978 – a process expected to be completed prior to the end of 2019.

**Recommendation C-3: 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 Task Force Report recommended 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.<sup>36</sup> Since the OIG's initial report, the Department and the Commission have continued to expand and utilize various methods to solicit feedback on issues that are of interest to the public. Some examples include:

- Development of a revised set of procedures on immigration enforcement. As part of this process, the Department met with a number of community organizations to discuss drafts and possible revisions. According to the Department, it continues to collaborate with community organizations to make further improvements to these procedures.
- Development and implementation of the video release policy for critical incidents. The Commission engaged the NYU School of Law's Policing Project to seek feedback – through the use of focus groups and a citywide survey – on the views of members of the public with respect to how the policy should be structured.
- Convening of special meetings. Over the past several years, the Commission has held special meetings on the topics of biased policing, homelessness, and data-driven policing strategies, during which community groups were invited to make presentations.

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<sup>36</sup> Task Force Action Items 1.4.1 and 1.5.1.

Following the OIG's review of the latter topic, the Commission also held a two-week feedback period during which it solicited comments from members of the public.

These efforts are in addition to the Commission's standard practice of holding weekly open meetings and accepting public comment on policy changes prior to their approval.

The Department also has various processes to obtain employee input on Department policies and procedures, including the circulation of draft policies to relevant Department personnel and the convening of the Tactics Training Review Committee. Most recently, the Department has utilized ten Special Purpose Innovation Groups (SPIGs), as described under Section A-4. These SPIGs, which incorporated the involvement of Commissioners, union representatives, and employees of all ranks, met over a period of three months to analyze issues and make improvements. In total, the SPIGs developed 135 recommendations, spanning 14 areas of the Department, which are currently in the process of being reviewed and implemented, where approved.

**Recommendation C-4: 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.**

The Task Force Report recommended that agencies conduct surveys, using accepted sampling protocols, that measure how policing affects public trust. The report recommended 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.<sup>37</sup>

In February of 2016, the LAPD conducted the first of a series of annual surveys of Los Angeles residents about their perceptions regarding public safety, police effectiveness, satisfaction with the police, and police fairness and integrity. That survey was repeated in March/April of 2018, and the results were presented to the Commission in July 2018.<sup>38</sup> Both reports found relatively high overall approval levels in some areas, along with other areas that presented significant levels of community concern (such as use of force and stops/detentions). The survey also identified substantial variations among groups in their perceptions of the police.

Over the past year, the Department has been exploring ways to expand its methods for collecting information about public sentiment. In recent weeks, it selected the Thomas and Dorothy Leavey Center for the Study of Los Angeles (StudyLA) at Loyola Marymount University to conduct a multi-faceted public sentiment survey. Anticipated components of this survey will include focus groups, questions in the annual LA Public Opinion Survey, a standalone survey,

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<sup>37</sup> Task Force Recommendation 1.7.

<sup>38</sup> "Perceptions of Safety and Police in Los Angeles: Results of the Survey of Los Angeles Residents," Justice & Security Strategies, Inc., and Hart Research Associates, June 27, 2018.  
[http://www.lapdpolicecom.lacity.org/071718/BPC\\_18-0244.pdf](http://www.lapdpolicecom.lacity.org/071718/BPC_18-0244.pdf)

and presentations to LAPD command staff and community members regarding findings. This project is pending final approval by the City and is expected to begin in the next two months.

## VI. COLLECTION AND REPORTING OF DATA

The Task Force Report recommended that agencies regularly post law enforcement data publicly, including stops, summonses, arrests, reported crimes, and other activity, and that this information be aggregated by demographic.<sup>39</sup> The Task Force Report further recommended that agencies be encouraged to maintain and analyze demographic data on all detentions.<sup>40</sup>

**Recommendation D-1: 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.**

In its initial report, the OIG noted that the publication of some reports by the Department had been discontinued. These reports are noted below, along with actions that were taken by the Department in response to the OIG's recommendation:

- Semi-Annual Public Report. This included summary statistics on motor vehicle and pedestrian stops, as well as arrests, which were disaggregated by geographic Area and ethnic/racial descent. Following the OIG's report, the Department began publishing a monthly "Public Contacts Snapshot," which includes general monthly Department totals for the number of stops/detentions, calls for service, arrests, and uses of force.<sup>41</sup>

The new report does not provide demographic breakdowns of the data, however. In conversations with the OIG, the Department agreed to provide breakdowns for stops and arrests annually, though it has not yet begun to do so.<sup>42</sup> The Department also recently embarked on a comprehensive stop-data analysis project (see Section D-4), the results of which will be published upon completion of the project.

- Quarterly Discipline Report (QDR). This report, which provides detailed data about LAPD's internal disciplinary program, was still being compiled but was no longer being posted on the Department's website. The Department has now resumed the publication of an annual version of this report.<sup>43</sup> It has also developed a monthly "Disciplinary

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<sup>39</sup> Task Force Action Item 1.3.1.

<sup>40</sup> Task Force Recommendation 2.6.

<sup>41</sup> Available at: [http://www.lapdonline.org/police\\_commission/content\\_basic\\_view/62914](http://www.lapdonline.org/police_commission/content_basic_view/62914).

<sup>42</sup> Note that detailed statistics related to the use of force, including demographic statistics, are now included and published online in the Department's annual "Use of Force Year-End Review." See Recommendation D-2.

<sup>43</sup> [http://www.lapdonline.org/office\\_of\\_constitutional\\_policing\\_and\\_policy/content\\_basic\\_view/9010](http://www.lapdonline.org/office_of_constitutional_policing_and_policy/content_basic_view/9010).

Penalties” report, which provides monthly statistics and information regarding complaints closed each month.<sup>44</sup>

With respect to the provision of other data for use by members of the public, the Department has also established the following:

- Open Data. The Department has continued to expand the information being shared on the City’s Open Data website, which now includes raw data on LAPD crime reports, calls for service, arrests, stops/detentions, and traffic collisions. (The Police Data Initiative site, which was referenced in the OIG’s initial report, has been updated to link directly back to the City site.)

In reviewing the Department’s open dataset related to stops/detentions, the OIG noted that the fields currently in use have not been expanded to include the additional stop data being collected pursuant to California AB 953 (see Section D-3 for more information). As the majority of this data is considered to be a public record, the OIG recommends that the Department continue to work to ensure that the full dataset is posted online.

- NextRequest. The Department has also begun sharing copies of all data and other information it releases as part of a California Public Records Act request on its NextRequest website. This website utilizes a user-friendly interface that provides access to data that is already publicly available or that has previously been released to a public requestor.<sup>45</sup> To date, the website lists over 4,700 public requests.

**Recommendation D-2: 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 Task Force Report recommended that agencies collect, maintain, and report use of force data.<sup>46</sup> Similarly, the PERF Report recommended that agencies document all use of force incidents and review the data to ensure that the use of force is fair and non-discriminatory.<sup>47</sup> As described in the OIG’s initial report, the Department tracks detailed information about the use of force in its TEAMS II risk management database and publishes an annual “Use of Force Year-End Review,” which is a comprehensive report that includes a great deal of information, including demographic data, regarding the LAPD’s use of force.<sup>48</sup>

<sup>44</sup> Available at [http://www.lapdonline.org/police\\_commission/content\\_basic\\_view/62916](http://www.lapdonline.org/police_commission/content_basic_view/62916).

<sup>45</sup> See <https://recordsrequest.lacity.org/requests>.

<sup>46</sup> Task Force Action Item 2.2.4. The OIG notes that that the federal government does not currently have a program to collect comprehensive use of force data, but the Department does submit data about certain use of force incidents to the State of California, as required by State law. (See Assembly Bill 71, 2015.)

<sup>47</sup> PERF Principle 10.

<sup>48</sup> Available at <http://assets.lapdonline.org/assets/pdf/2016-use-of-force-year-end-review-small.pdf>.

In reviewing the Department's policies on reportable force and comparing these with other agencies' policies, however, the OIG found that the LAPD was one of the few agencies surveyed that did not collect data on the use of less-lethal weapons (for example, TASERs or beanbag shotguns) when those weapons do not actually contact a person during an incident (unless other types of reportable force occur during the same incident).<sup>49,50</sup> While the deployments of these weapons were reported on an officer's log, they were not specifically tracked by the Department, minimizing the opportunity for additional analysis of the underlying incidents.<sup>51</sup>

The Department has implemented a policy requiring that all employee reports of less-lethal devices that do not make contact with the targeted individual be forwarded to Critical Incident Review Division (CIRD) for tracking and analysis.<sup>52</sup> The reports will also continue to be sent to In-Service Training Division for the issuance of less-lethal rounds and ammunition.

Additionally, the Department has recently established a Force Options Training Unit that focuses specifically on non-lethal and less-lethal use of force equipment and issues.

At CIRD, the information that is received regarding non-contact uses of less-lethal force is collected on a stand-alone spreadsheet, rather than as a part of the use of force database itself. According to the spreadsheet, there were six non-contact uses of a less-lethal device that occurred during 2018, not including those that occurred in combination with reportable force. Given the apparently small number of such cases, the OIG continues to recommend that non-contact uses of a less-lethal weapon be reported and analyzed in the same manner as contact uses of the same devices.

**Recommendation D-3: The Department shall 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.**

California Assembly Bill (AB) 953, also known as the Racial and Identity Profiling Act of 2015 (RIPA), requires all agencies to collect and report to the State extensive information about pedestrian and vehicle stops. This law, which governed the LAPD beginning in July 2018,<sup>53</sup> significantly expanded the amount of stop data gathered by the Department. The OIG tracked

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<sup>49</sup> 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.

<sup>50</sup> Per LAPD policy and practice, force types that would otherwise be considered non-reportable (such as firm grips) are reported and analyzed when they are used in combination with reportable force (such as punches or kicks).

<sup>51</sup> 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 by a round fired by an officer.

<sup>52</sup> See "Less Lethal Discharges That Do Not Make Contact," Office of Administrative Services, August 26, 2015. An updated version of this notice that reflects recent organizational changes is forthcoming.

<sup>53</sup> The law required law enforcement agencies with 1,000 or more officers to begin collecting the data on this date, with smaller agencies starting at a later date.

the implementation of the new stop data collection program, including reviewing data collection tools, training, and other relevant materials.

In addition to the collection and reporting of data, RIPA regulations require agencies to “perform data validation on stop data submitted to ensure data integrity and quality assurance.”<sup>54</sup> Along with automated data integrity processes to ensure data matching, the Department plans to conduct additional audits and inspections using video footage to ensure that the entries are accurate.<sup>55</sup>

With respect to the inclusion of possible additional fields, the Department does include one question when collecting stop data that is not specified by the RIPA regulations. This question asks whether the officers who conduct a detention were able to determine each detainee’s race/ethnicity prior to initiating the stop. According to the Department, this question was added to better determine whether race had an impact on the decision to conduct the stop.

Now that the expanded data collection program has been in effect for over a year, the OIG recommends that the Department again consider whether additional fields might be useful for its purposes.<sup>56</sup> The OIG’s own review has identified a few possible areas for consideration, as described below:

- Type of stop. Unlike previous iterations of LAPD stop data programs, the current version (as well as the fields mandated by the RIPA regulations) does not indicate whether a particular stop is a motor vehicle or pedestrian stop.
- Homeless status. At the request of the Commission, the Department has recently begun to track and report the number of crimes, uses of force, arrests, and other enforcement actions that involve a person who is experiencing homelessness. Homeless status is not currently tracked for stops, however.
- Local ordinance. To assist in tracking the suspected violation that is the basis for the stop, the stop data system provides a drop-down list of State regulatory code sections. Local ordinances, however, are tracked in one catch-all category on the drop-down list.<sup>57</sup>

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<sup>54</sup> 11 California Code of Regulations § 999.229 (b), “Audits and Validation.”

<sup>55</sup> The OIG assessed the Department’s reported stop data as part of a review of stops by Gang Enforcement Detail officers conducted during July and August of 2018. A number of inaccuracies in the data were noted, many of which could reasonably be expected due to the complexity of the newly implemented RIPA regulations. See “[Review of Gang Enforcement Detail Stops](#),” Office of the Inspector General, February 5, 2019.

<sup>56</sup> In its second annual report, the RIPA Advisory Board states that agencies “should consider collecting any additional demographic or other data that would be relevant to identify trends or disparities among the interactions of their officers with the public.” “Racial & Identity Profiling Advisory Board Annual Report 2019,” Racial and Identity Profiling Advisory Board, 2019, page 3.

<sup>57</sup> While officers provide the specific reason for the stop in a required narrative field (which does indicate the local ordinance being investigated), the OIG noted that these descriptions are not entered in a consistent format and are therefore difficult to analyze.

Including a field designed to track this data with consistency would allow the Department to better analyze the reason for each stop, including for quality-of-life municipal code violations.

- Asked if on parole or probation. Documenting when officers ask a person whether they are on parole or probation would allow the Department to assess whether there are any disparities with regard to who is being asked and under what conditions.

**Recommendation D-4: 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 noted above, the Task Force Report recommended that agencies analyze demographic data on all detentions, including stops, pat-downs, searches, citations, and arrests.<sup>58</sup> The PERF Report also noted that agencies which are making advances in addressing racial concerns within their departments have engaged in collecting and analyzing data on vehicle and pedestrian stops.<sup>59</sup> More recently, in its discussion of best practices, the RIPA Advisory Board (see previous section) recommended that agencies analyze their own stop data, stating that it “should be reviewed to identify exceptional and deficient conduct, trends, unexplained disparities, compliance with policy, and training needs and opportunities.”<sup>60</sup>

The LAPD does not currently have a process for analyzing the stop data it collects, although it has made attempts to do some analysis in the past. The Department has recently engaged one of its research partners, Justice & Security Strategies, Inc. (JSS), to extract and review data on stops and identify possible areas for improvement. A major focus of this analysis will be a review of Field Interview Card data in an effort to determine whether members of the community are being stopped repeatedly by LAPD officers over a short period of time. The results of this review are expected to be presented publicly.

In discussions with the Department, the OIG has recommended that it also work to develop clear methodologies to display and analyze its stop data – at the officer, Area, and Department-wide levels – for its internal use on an ongoing basis.<sup>61</sup> Ideally, this analysis would be automated

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<sup>58</sup> Task Force Recommendation 2.6.

<sup>59</sup> PERF Report, Page 117.

<sup>60</sup> “Racial & Identity Profiling Advisory Board Annual Report 2019,” Racial and Identity Profiling Advisory Board, 2019, page 68.

<sup>61</sup> One resource the Department may wish to consider is the RIPA Advisory Board itself, which, in its most recent report, discussed two well-established ways to look for possible indications of bias – the “veil of darkness” pre-stop

through a dashboard or some other process to ensure accuracy and accessibility.<sup>62,63</sup> The Department has already begun this process through its internal stop data interface, which allows users to filter data and produce summary statistics across various dimensions.

The Department has also made efforts to create a working group focused on data analysis, which will include representatives from the OIG and the Commission as well as researchers. The first meeting of this group is scheduled for early October 2019.

## VII. THE USE OF FORCE

Both the Task Force and PERF Reports recommended 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 adopt policies and provide resources to encourage officers to promptly render aid, de-escalate incidents, and avoid using force against vulnerable populations. The reports also recommended systems to collect and analyze use of force data and to conduct evaluations of individual incidents.

In reviewing each of these recommendations, the OIG found that the Department has already implemented or begun to implement the majority of those relating to the use of force. In many cases, the recommendations' objectives are already long-standing components of the Department's use of force practices. There are a few areas, described below, where the Department may want to take additional steps to fully implement the recommendations made by PERF and the Task Force.

**Recommendation E-1: 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 OIG's initial review found that LAPD officers were required to immediately request medical treatment following an incident where a person has been injured by police actions, but that there

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analysis and the "hit rate" post-stop analysis. See "Racial & Identity Profiling Advisory Board Annual Report 2019," Racial and Identity Profiling Advisory Board, 2019, pages 21-26.

<sup>62</sup> See, for example, recommendations in "Strategies for Change: Research Initiatives and Recommendations to Improve Police-Community Relations in Oakland, California," J.L. Eberhardt, Stanford SPARQ: Social Psychological Answers to Real-World Questions, 2016, page 47.

<sup>63</sup> In early conversations on this topic, the Department's TEAMS II risk management database was discussed as a possible conduit for this type of analysis, but the OIG noted that the efficacy of that system was currently under review by JSS. Following the OIG's report, JSS presented its TEAMS II analysis to the Commission. Although a number of recommendations were made with respect to the design of early intervention "action items," none specifically addressed the incorporation of any additional stop data or stop-related analysis. See "The Impact of Action Items on Use of Force and Complaints Among Patrol Officers," Justice & Security Strategies, January 2018, and "Cops and Critical Events in Los Angeles: A Concentration Analysis," Justice & Security Strategies, January 2018.

was no mandate that officers in the field render first aid to the subject prior to the arrival of medical personnel.

Since the publication of the OIG's report, the Department worked with the City Attorney's Office and other stakeholders to develop a training bulletin on the topic of rendering aid, which was published on August 20, 2019.<sup>64</sup> The bulletin states that officers "should provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force, and fellow officers" to the extent of the officer's training and ability and the level of equipment available.

The bulletin also states that officers "should only render aid when it is safe and practicable to do so," and it provides a few examples of when this would not be the case. Its examples of "an unsafe scene, or when aid would not be practicable" include the following: "During or directly after a traumatic incident in which the officer's mindset or physiological condition are not conducive to rendering medical aid (e.g. substantially involved in an officer-involved shooting)." The OIG will monitor the implementation and results of the new bulletin.

With respect to training and equipment, the Department has indicated that it is currently in compliance with State mandates regarding training and that it has submitted a budget request to the City for \$615,000 for trauma and first aid kits. According to the Department, over 7,000 employees have completed their required training within the current two-year training cycle.<sup>65</sup>

**Recommendation E-2: 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 Task Force Report recommended that agencies take a comprehensive approach to mental health issues, and that agencies engage in multidisciplinary approaches to crisis situations.<sup>66</sup> The PERF Report also recommended that agencies implement a comprehensive agency training program on mental health issues.<sup>67</sup> In particular, the PERF Report recommended that agencies educate the families of persons with mental health problems on how to communicate with dispatchers when they contact emergency services.<sup>68</sup> In recent years, the Department has been

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<sup>64</sup> "Rendering Medical Aid," Training Bulletin Volume XLVIII, Issue 2, Los Angeles Police Department, July 2019. An earlier version of the bulletin was published in May 2019 but rescinded in June in order to address concerns raised by the Los Angeles Police Protective League.

<sup>65</sup> Per State law, officers must undergo a refresher training in First Aid, CPR, and the use of an Automated External Defibrillator (AED) once every two years. Officers "whose duties are primarily clerical or administrative" are exempted from this requirement. According to the Department, approximately 6,600 officers are currently assigned to field duties. See 22 California Code of Regulations § 100022, Application and Scope," and § 100022, "Public Safety First Aid and CPR Retraining Requirements."

<sup>66</sup> Task Force Recommendation 4.3.

<sup>67</sup> PERF Principle 19.

<sup>68</sup> PERF Principle 30.

engaged in an intensive effort to significantly increase the capacity and effectiveness of its response to persons in behavioral crisis. This effort includes the following:

- Mental Health Intervention Training (MHIT). This class allows family members of those with mental health conditions or other disabilities to provide testimony about their experiences. It also teaches behavioral techniques to be used when interacting with persons who have autism or other conditions that may otherwise be misinterpreted or mishandled by officers during crisis situations. The course is provided to all probationary employees in conjunction with PSL I, and it is a prerequisite for Field Training Officers and officers assigned to details related to homelessness. MHIT is offered twice per month, with the goal of reaching all officers assigned to patrol duties within two to three years.
- Outreach to families. The LAPD's Mental Evaluation Unit (MEU) has partnered with the National Alliance on Mental Illness (NAMI) and other organizations to conduct outreach and develop resource materials. As reported in the OIG's initial report, 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 reports that it has distributed approximately 24,000 such checklists in English and 23,000 in Spanish.
- Community meetings. MEU also has four dedicated Senior Lead Officers (SLOs), who are responsible for attending community meetings and building relationships with resource providers. In 2018, MEU conducted 164 Community Outreach presentations to a total of 4,071 attendees. In 2019, as of July, MEU had given 96 Community Outreach presentations to 2,534 attendees.
- Mental Health Crisis Response Program Advisory Committee. This Committee's quarterly meetings are attended by representatives of organizations such as the Mayor's Crisis Response Team, faith-based organizations, non-profit providers, homeless advocates, the Department of Mental Health, other law enforcement agencies, and others, and they are designed to increase collaboration and sharing among such stakeholders.

**Recommendation E-3: 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.**

In reviewing LAPD policy, the OIG's initial report found that the Department had 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.<sup>69</sup>

At the time of the OIG's initial report, the Department had developed and circulated four separate draft Special Orders, each revising different aspects of the NCUOF structure. However, none of them had been finalized and approved by the Commission. The OIG's initial report noted that completing this process would allow the Department to move forward in making the identified improvements.

Since the OIG's initial report, the Department has finalized two Special Orders relating to the NCUOF investigation process.<sup>70</sup> With the completion of those orders, both of which were approved by the Commission, the Department has now implemented the majority of the policy revisions recommended by the OIG. Two additional recommendations – which concern obtaining independent statements from officers and clarifying the NCUOF classification standards – remain under review as part of the Department's broader revision of the NCUOF process.

## **VIII. POLICIES ON STOPS AND SEARCHES<sup>71</sup>**

In keeping with the principles of procedural justice, the Task Force Report recommended that officers making stops identify themselves by their full name, rank, and command, and that they provide such information in writing to individuals they have stopped (for example, with a business card). The Task Force Report also recommended that officers must state the reason for the stop, as well as for any search that is conducted.<sup>72</sup>

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<sup>69</sup> "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](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](http://www.lapdpolicecom.lacity.org/010714/BPC_13-0192A.pdf).

<sup>70</sup> See "Complaint Related to a Non-Categorical Use of Force – Revised; Reclassification of a Level II Use of Force Investigation to a Level I – Established; Reportable Non-Categorical Use of Force Incidents – Renamed and Revised," Special Order No. 3, Los Angeles Police Department, April 4, 2019, and "Reporting a Non-Categorical Use of Force Incident – Revised," Los Angeles Police Department, September 24, 2019 (publication forthcoming).

<sup>71</sup> OIG Recommendation F-2 – which stated that 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 – was not adopted by the Commission due to logistical concerns. Since the OIG's report, however, all proactive policing assignments, including Metropolitan Division, have been deployed with Body-Worn Video cameras. Metropolitan Division still has not been equipped with Digital In-Car Video equipment, however.

<sup>72</sup> Task Force Recommendations 2.11 and 2.11.1.

**Recommendation F-1: 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.**

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 detained be informed of the reason for the detention.<sup>73</sup> In its reviews of stops, however, the OIG noted that these policies were not being followed consistently.

At the time of the OIG's initial report, the Department issued a reminder to all personnel of this policy. Likewise, the Office of Special Operations instructed each of its commands to remind their personnel of these policies and to ensure compliance. It also plans to conduct an inspection to ensure that officers are carrying business cards with them in the field.

In recent months, the Department has been reviewing how best to apply and enforce the business card policy, and it is currently working to finalize a change in language that will require officers to "offer" a business card rather than to "provide" it. As noted in Section A-1, it has also been developing a Procedural Justice Review form that specifically incorporates an assessment of whether the officers explained the reason for each stop, as required. The OIG will continue to monitor this issue, and officers' adherence to these policies, as part of its auditing responsibilities.

## **IX. COMMUNITY POLICING**

The Task Force Report highlighted 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 non-enforcement capacity with neighborhood residents and leaders.

The Task Force Report recommended that agencies develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety.<sup>74</sup> The Task Force Report further recommended that community policing be infused throughout the culture and organizational structure of law enforcement agencies, and that officers be evaluated on their efforts to engage members of the community and the partnerships they develop.<sup>75</sup> As part of this

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<sup>73</sup> 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."

<sup>74</sup> Task Force Recommendation 4.1.

<sup>75</sup> Task Force Recommendation 4.2 and Action Item 4.2.1.

process, it was recommended that agencies develop programs that allow patrol officers to interact regularly with residents and with faith and business leaders.<sup>76</sup> To ensure that this is possible, the Task Force Report recommended that police agencies evaluate patrol deployment practices to allow sufficient time for officers to participate in problem-solving and community engagement activities.<sup>77</sup>

**Recommendation G-1: The Department should continue to evaluate deployment practices to ensure that there is sufficient time for officers to engage in community engagement and partnership.**

For the purposes of implementation, the Department has combined its efforts on this item with Recommendation G-2, as discussed below. It is hoped that improved tracking of officers' time, including information about the time spent conducting community engagement activities, will help the Department to better evaluate its deployment practices.

**Recommendation G-2: 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.**

The Department has developed a number of planned initiatives designed to increase and incentivize community engagement while more accurately tracking deployment patterns and time available to officers to engage in such activities. Several of these initiatives were also presented to the Commission in the Department's first status report, issued in September 2017.<sup>78</sup>

- Update to the CAD system. One of the primary initiatives contemplated by the Department includes assigning special codes in its new Computer-Aided Dispatch (CAD) system, known as "Premier One." The CAD system tracks officers' activities and statuses in real time, including assignment and response to radio calls, officer-initiated activities, and the results of those activities. The new software has also been designed to capture community engagement time. According to the Department, however, its implementation has been delayed due to technical issues. The Department will next test the system in October 2019, with the hope of full implementation in early 2020.

The OIG notes that, in implementing the new system, it will be important to clearly define what types of activities would qualify for the community engagement category. As such, it will also be important to distinguish between community conversations conducted while officers are acting in an enforcement capacity, and those that are

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<sup>76</sup> Task Force Action Item 4.4.2.

<sup>77</sup> Task Force Recommendation 4.2.1.

<sup>78</sup> "Department's Response to the Office of the Inspector General's Review of National Best Practices," Los Angeles Police Department, September 20, 2017.

specifically non-enforcement in nature, as specified by the Task Force Report and discussed in implicit bias research.

- Evaluation of the Community Safety Partnership (CSP) Program. The Department has embarked on a series of projects with the goal of conducting a detailed evaluation of CSP, which is currently the Department's most significant community policing initiative.<sup>79</sup> As part of this process it has established the CSP Executive Steering Committee, composed of community, academic, City, and Department stakeholders, to provide direction and oversight of the program. The Committee will also review information gathered through a series of CSP Summits and a study by UCLA researchers to identify successes and areas for improvement.

One of the primary goals of this process will be the development of meaningful and accurate measures of community engagement activities and their results. Once this process has been completed, the Department expects that use of these measures will be expanded outside of the CSPs in order to inform the tracking and review of community engagement practices across the Department.

- COMPSTAT tracking. COMPSTAT Division has begun collecting community engagement statistics across the Department. As the data was not being reported consistently, however, this process is currently under revision to ensure that it accurately captures the desired information. The Department ultimately plans for this information to be incorporated as part of the regular COMPSTAT inspection process.
- Juvenile diversion. The Department keeps records of the number of juveniles who, in lieu of being formally arrested, receive referrals to community diversion programs that are focused on restorative justice. Currently, 17 of the Department's 21 geographic Areas are linked with community service providers for the purposes of diversion, with two of those having come online in June 2019. According to Department records, a total of 341 juveniles – about 39 percent of those who were arrested for offenses that are eligible for diversion – have been referred for diversion thus far in 2019.<sup>80</sup> The Department is currently working to obtain additional funding in order to expand on these efforts.

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<sup>79</sup> As discussed in the OIG's initial report, the CSP concept is a collaboration between the Department and City Housing Authority that embeds specialized groups of officers into a community – most frequently a public housing development. 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 specifically cited as a national best practice by the Task Force.

<sup>80</sup> Arrests for certain classes of offenses, including firearm arrests, are not eligible for diversion and were not included in these numbers. Even if the offense is eligible, juvenile arrestees might not have been referred due to a refusal to participate, an existing criminal history, or other issues.

Finally, the Department has been exploring strategies to explicitly incorporate community policing values and concepts into various aspects of Area-level operations. These include, for example, temporarily assigning probationary officers to Senior Lead Officers, where feasible, in order to allow the probationers to learn about community engagement. Another strategy of the Department in this area is to increase the participatory roles of community members in non-enforcement Department functions.<sup>81</sup>

As many of the initiatives discussed here are still in the planning stages, the OIG will continue to track their progress and implementation.

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<sup>81</sup> These may include, for example, participating in clerical operations, conducting vacation checks and other patrol activities, and taking certain types of reports.