

*The Los Angeles County*

# **Sheriff's Department**

## **23rd Semiannual Report**

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and Police Assessment Resource Center (PARC)

April 2007



# **S p e c i a l   C o u n s e l   a n d   S t a f f**

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# **C o n t e n t s**

<b>Introduction</b>	1
<b>1. Citizen's Complaints</b>	5
<i>I. Background</i>	8
<i>II. Overview of the SCR Process</i>	10
<i>III. Scope of the Evaluation</i>	16
<i>IV. Personnel Complaint Categories</i>	22
<i>V. Investigation</i>	25
<i>Conclusions and Recommendations</i>	43
<b>2. Unit Level Investigations</b>	47
<i>I. Scope of Investigation</i>	49
<i>II. Overview of the Unit Level Investigation Process</i>	51
<i>III. Investigations</i>	55
<i>IV. The Disciplinary System</i>	70
<i>Conclusions and Recommendations</i>	88
<b>Shooting and Use of Force Tables</b>	91

# **Twenty-Third Semiannual Report**

## *Introduction*

This Semiannual Report is the first of two that will be devoted to internal investigations of police misconduct in the Sheriff's Department. These two Reports will be the first in several years to look at all three categories of internal investigations—supervisory inquiries, unit level investigations, and Internal Affairs Bureau investigations. This Semiannual Report considers the first two categories. We give high marks for the quality of supervisory inquiries and unit level investigations. We commend the LASD on these notable improvements. On the other hand, we were troubled by the discipline and grievance system in which an LASD employee displeased by proposed discipline has everything to gain and nothing to lose by challenging it.

When an aggrieved individual files a citizen's complaint, it will be investigated by a lieutenant at the patrol station in question 97 percent of the time. The investigation is called a "supervisory inquiry" and cannot result in formal discipline against an LASD employee. During the last six months, we reviewed supervisory inquiries of citizen's complaints at two stations from each of the LASD's three Field Operations Regions. With the exception of two stations, the quality of investigations overall was notably high. Investigations were thorough, the documentation was complete, and the dispositions or outcomes of the investigations were reasonable.

The Department has made great strides in improving the overall quality of the investigations of citizen's complaints since we first began to review them for the **Kolts Report**. Unlike many SCR investigations in the past, which were often perfunctory, poorly documented, biased in favor of the officer, and incomplete, the majority of investigators whose work we reviewed took special care to maintain objectivity; conduct and properly document

interviews with complainants, deputies, and witnesses; and methodically consider all available facts, even when the credibility of the complainant was questionable.

Nonetheless, problems remain.

- 42 percent of the complaints that were classified as service complaints by the six stations should have been classified as personnel complaints. A 42 percent error rate is disturbing and undermines the effectiveness of the PPI, the LASD's principal tool for managing the risk of police misconduct. Personnel complaints are linked to a specific officer whereas service complaints are not.
- The quality of 18 percent of investigations should have been better. The deficiencies included:
  - failures to interview obvious parties or witnesses,
  - biased investigations or investigative summaries,
  - poor documentation, and
  - incomplete or inadequate investigative summaries.
- The dispositions for 9 percent of citizen's complaints were inappropriate or appeared unsupported by the facts detailed in the investigative summary, with some dispositions ignoring the facts as found or failing to consider or address adequately the complained-of behavior.

This Report also considers unit level investigations. These are formal investigations at the station or unit conducted by a lieutenant. They may be initiated by a citizen's complaint or by an internal complaint within the LASD. Unit level investigations may lead to formal discipline.

Our review of 101 unit level investigations at six stations found the quality to be high. Investigators were thorough, rigorous, and fair, and documentation was, for the most part, good. The adjudications of unit level investigations

were generally reasonable and warranted. Compared to similar reviews in prior years, unit level investigations have improved markedly, with investigations being less result-oriented, more objective, and balanced. We found much less overt bias in the officer's favor than in our previous reviews. Importantly, we detected no difference in the thoroughness and fairness of investigations deriving from a citizen's complaint as contrasted to those resulting from the internal complaints. We commend the LASD for these improvements.

In contrast, the LASD disciplinary system has some troublesome aspects. There is too much deal making. An employee has everything to gain and nothing to lose by grieving discipline. The nearly inevitable result of the grievance will be an ultimate reduction in the discipline. Rather than discouraging appeals, this practice foments grievances that have no substantial basis. A persistent employee with a smart union representative can game the system. No matter how well an investigation is conducted and how carefully a verdict is reached, the disciplinary system is a failure if it does not result in evenhanded, predictable, uniform, and fair punishment.

Citizen's complaints provide an early indication of possible problem officers. Rudeness, discourtesy, and a tendency to throw one's weight around or exert power arrogantly first show up in complaints from the public. Likewise, a tendency to use unnecessary or unreasonable force will show up in the same way. Accordingly, the care with which public complaints are investigated is critical to the effectiveness of the Department's risk management program. The LASD has proved itself highly capable of regularly producing thorough and fair formal and informal investigations at the station level. This alone vaults the LASD into the top tier of American law enforcement. The next step is to tighten down the imposition of discipline.

Our next Semiannual Report will look at investigations conducted by the Internal Affairs Bureau.



## *Introduction*

The LASD's commitment to the fair investigation of citizen's complaints has strengthened considerably in the past five years. The process for investigating citizen's complaints has been, by and large, successfully institutionalized. Our audit concluded that, while we identified other deficiencies in a total of 35 percent of SCR "packages," 82 percent of the investigations of citizen's complaints were fair and thorough. The Department has made great strides in improving the overall quality of the investigations of citizen's complaints since we first began to review them for the **Kolts Report**. Unlike many SCR investigations in the past, which were often perfunctory, poorly documented, biased in favor of the officer, and incomplete, the majority of investigators whose work we reviewed took special care to maintain objectivity; conduct and properly document interviews with complainants, deputies, and witnesses; and methodically consider all available facts, even when the credibility of the complainant was questionable.

The LASD differs from almost all other American law enforcement agencies in that an employee cannot be disciplined as a result of a citizen's complaint that does not become the subject of a formal investigation. In practice, this means that over 97 percent of citizen's complaints in the LASD never result in discipline. It does not mean, however, that the matter is dropped entirely and that there are no consequences to the officer. The theory underlying this seemingly radical step is that formal discipline should be reserved for serious misconduct and that the typical citizen's complaint alleges conduct that is more appropriately handled by nondisciplinary



counseling. Because investigations of such citizen's complaints are not formal investigations leading to discipline, they are called "supervisory inquiries."

During the last six months, we reviewed LASD investigations of citizen's complaints at two stations from each of the LASD's three Field Operations Regions. Those stations were Century, Compton, Lakewood, Palmdale, Pico Rivera, and Santa Clarita. With the exceptions of Santa Clarita and, to a smaller degree, Lakewood, the quality of investigations overall was notably high. Investigations were thorough, the documentation was complete, and the dispositions or outcomes of the investigations were reasonable. Citizen's complaints are recorded on a Watch Commander's Service Comment Report (SCR). Century Station gets laurels as the most improved. An audit at Century Station two years ago found that paperwork and investigations were not being completed in a timely fashion, including 58 SCRs assigned to one supervisor, many of which dated back more than a year. For those which included allegations of serious misconduct, the LASD found itself powerless to take action because the statute of limitations had run. Lieutenant Fabrega, Captain Roller, Commanders Martin and Miller, and Chief Williams have worked diligently to provide the leadership that had been absent and ineffective at Century. On the other hand, Santa Clarita Station, with a higher rate of biased and results-oriented investigations than the other five stations, is the station now most in need of improvement.

Overall, from the six stations combined, 65 percent of the reviewed cases passed muster. Conversely, 35 percent of the cases we reviewed in one way or another were deficient:

- 42 percent of the complaints that were classified as service complaints by the six stations should have been classified as personnel complaints. A 42 percent error rate is disturbing and undermines the effectiveness of the PPI, the LASD's principal tool for managing the risk of police misconduct. Personnel complaints are linked to a specific officer whereas service complaints are not.

- The quality of 18 percent of investigations should have been better. The deficiencies included:
  - failures to interview obvious parties or witnesses,
  - biased investigations or investigative summaries,
  - poor documentation, and
  - incomplete or inadequate investigative summaries.
- The dispositions for 9 percent of citizen's complaints were inappropriate or appeared unsupported by the facts detailed in the investigative summary, with some dispositions ignoring the facts as found or failing to consider or address adequately the complained-of behavior.
- Ten percent of citizen's complaints included allegations that were not captured on the SCR cover sheet. While many of these allegations were nonetheless investigated, they were not entered into the PPI and would not appear in an employee's SCR record. Few investigators added new allegations that arose during the course of the investigation or amended the allegations when categorization failed to conform to proof.

The various mechanisms of quality control—including the investigator, operations lieutenants, captains, commanders, and the Discovery Unit—in several instances failed to identify clear deficiencies or errors in SCR investigations or documentation.

These problems are not trivial. Approximately 97 percent of citizen's complaints are investigated informally at the station level; investigation for these complaints concludes when a captain approves a disposition of that SCR.<sup>1</sup> The remaining three percent of SCRs formed the basis for formal

<sup>1</sup> The distinction between "formal" and "informal" investigations is that only a "formal" investigation may result in discipline. For that reason, SCR investigations are called "supervisory inquiries" rather than "investigations." Our use of the term "informal" should not be interpreted to mean ad hoc or off-the-cuff. With some clear exceptions, SCR investigations (supervisory inquiries) achieve the same careful attention as formal investigations at the station or IAB level.

investigation at the unit level, at the Internal Affairs Bureau (IAB), or the Internal Criminal Investigations Bureau (ICIB). In contrast to the LAPD, which, pursuant to a consent decree, must formally investigate each complaint and where Internal Affairs itself must investigate all complaints of excessive force and other denominated categories, the LASD, for better or for worse, reposes the responsibility for investigating nearly all citizen's complaints to the station or unit whose personnel generated the complaint. Moreover, the results of station level investigations cannot be the basis for imposing discipline on an LASD officer. If the quality of citizen's complaint investigations is not as high as possible, citizen and community input is not heard as fully as it should be, and officer performance records may not be as accurate and fair as they should be.

## *I. Background*

The First Amendment protects the right to petition the government for the redress of grievances. A citizen's complaint alleging dissatisfaction with the police is one of the more common forms in which individuals may seek redress. The fairness, thoroughness, speed, and transparency of a police investigation of a citizen's complaint are key measures of a law enforcement agency's integrity and professionalism. Conversely, a law enforcement agency that discourages complainants by threats, bullying, or simple inaction is likely to be corrupt in other ways. Truncated and biased investigations by the police of the police corrode community trust and diminish public cooperation in helping the police to solve crimes; investigations that do not lead to discipline when appropriate have the same negative effect on the ability of law enforcement to be as effective as possible. A law enforcement agency that consistently gives short shrift to citizen's complaints or resolves them unfairly and opaquely will soon find the public clamoring for a citizen's review board under which the power to investigate is taken away.

Against this backdrop we once again review the LASD's performance in investigating and resolving citizen's complaints. Unlike other law enforcement agencies, the primary responsibility in the LASD for handling citizen's complaints rests upon the shoulders of the station's captain, under the theory that captains should be empowered to act more or less as Chiefs of Police for the persons living within the station's boundaries. This responsibility comes with a heavy burden. Because a given captain is responsible for the conduct of his or her own employees, it is incumbent on the captain to produce thorough, fair, dispassionate, and unbiased investigations of citizen's complaints.

In the LASD, the SCR records citizen's complaints and commendations from the public about the LASD's personnel and service. The **Kolts Report** of 1992 called for reforms in the LASD's receipt, investigation, and disposition of citizen's complaints. It is a subject to which we have returned often, including discussion of:

- the availability of SCR forms at stations (**Second Semiannual Report**);
- the collection of basic data on the SCR forms (**Third Semiannual Report**);
- the treatment of allegations of improper use of force in SCR investigations (**Third Semiannual Report**);
- the use and reflection of SCRs within the PPI, or Personnel Performance Index (**Ninth Semiannual Report**);
- the time taken for SCR data to be entered in to the computerized performance database known as the Personnel Performance Index (PPI) (**Sixteenth and Eighteenth Semiannual Reports**);
- the rate of errors in SCR investigations or the documentation of them (**Sixteenth Semiannual Report**); and

- the number of unresolved or pending SCR investigations not reflected in the PPI (**Sixteenth Semiannual Report**).

Due in large part to the notable efforts of the Department's Discovery Unit, the substantial backlog of unprocessed SCRs has been whittled down.<sup>2</sup> The Unit tracks pending investigations and tries to cajole timely completion of them. The days when SCR investigations piled up—or simply were not investigated at all—are coming to an end, and we commend the LASD, the Discovery Unit, and Lt. Whitham in particular for this progress.

Because the Department has made strides to ensure that all SCR complaints are investigated and considered in a timely, systematic way, we turn our focus in this **Semiannual Report** to evaluate the quality, accuracy, and thoroughness of SCR investigations themselves.

## *II. Overview of the SCR Process*

All input from the public must, according to LASD policy, be recorded on an SCR. Individuals can make a complaint or commendation by mail, in person, by telephone to a specific station, via a special 800 line that the LASD maintains and advertises, by email, or by fax. The LASD accepts all varieties of complaints, including anonymous and third-party complaints.

Upon receiving a citizen's comment, the Watch Commander records preliminary data on a uniquely numbered form. Each form comprises four sheets: the white original is filed by the Discovery Unit, the canary copy is maintained at the station, the pink copy is sent to division headquarters, and the green copy is given directly to the complainant. SCRs are classified into one of three categories: commendations, personnel complaints, and service complaints.

<sup>2</sup> The Discovery Unit reviews completed SCRs to ensure that the SCR has been properly signed, the appropriate boxes have been checked, and other bureaucratic requirements fulfilled. As of yet, the Discovery Unit lacks the resources necessary to perform a substantive review of SCRs.

## **A. Commendations**

Commendations are positive comments from the public about an employee's application to duties, commendable restraint, exemplary conduct, or tactical excellence. After the Watch Commander completes a commendation, it is forwarded to the unit's commanding officer, usually a captain, for approval. The commendation is then acknowledged by mail, filed, and sent to the Discovery Unit to be entered into the PPI database, where it is reflected on the involved employee's printout. As of November 16, 2006, there were 703 commendations at the six stations we looked at for 2005. The present chapter does not further consider commendations.

## **B. Complaints**

### *1. Classification*

A Watch Commander classifies complaints from the public as either a "personnel" or a "service" complaint.

Personnel complaints are complaints that allege misconduct against one or more officers. The SCR form includes the following categories for classifying the alleged misconduct:

- criminal conduct;
- discourtesy;
- dishonesty;
- unreasonable force;
- improper tactics;
- improper detention, search, or arrest;
- neglect of duty;
- operation of vehicles;
- off-duty conduct;
- harassment;

- discrimination; and
- “other.”

A Watch Commander may classify a complaint under more than one category. If, for example, a member of the public complains that an LASD Deputy was rude and put handcuffs on too tight, the complaint raises potential issues of discourtesy and unreasonable force.

In instances where criminal conduct is alleged, the SCR form will go confidentially and directly to the unit commander, bypassing the initial supervisory inquiry. After a preliminary review, complaints alleging criminal misconduct generally make their way to the Internal Criminal Investigations Bureau (ICIB) for action.

Service complaints, in contrast, are complaints about the general policies or practices of the LASD. Service complaints do not involve specific allegations against particular officers. Instead, they are more generalized and aimed at a station or the Department as a whole. A paradigm service complaint would be: “Deputy X gave me a ticket for speeding. The speeding limit on this street is too low.” The SCR form breaks service complaints into categories for complaints about:

- policy/procedures,
- response time,
- traffic citation, and
- “other.”

## **2. Investigation and Disposition**

The reception of any citizen’s complaint, whether classified as a personnel or service complaint, triggers an investigation, or “supervisory inquiry,” usually assigned to a sergeant or lieutenant at the station. Once the complaint has been received, “bare bones” data about it is entered into the Preliminary

Data Entry (PDE) database module, a tool to track the existence and progress of pending citizen's complaints.

While all stations in all Field Operations Regions ("Regions") enter pending SCRs into the PDE for Department-wide accounting purposes, methods of managing pending investigations at the level of the station differ among regions. Region II utilizes a computerized "tracking" database that provides lieutenants and captains with an up-to-date list of SCR current investigations and automatically alerts users when SCR investigations have passed the initial 30-day deadline. Region II is currently the only Region to utilize this sophisticated and intuitively designed internal tracker first designed and employed at the Industry Station in Region III.

In the absence of a centralized process for accounting for pending SCRs, individuals at stations in the other Regions have, over the years, developed their own systems which appear to be functioning reasonably well. For instance, the means of accounting for SCRs at the Palmdale station is a WordPerfect text document created and maintained exclusively by a single member of Palmdale staff. While we were impressed by that system and with the fastidiousness with which it, and others like it, are maintained, we strongly recommend that the other Regions switch to a sophisticated tracking database similar to the one that Region II presently employs.

After the investigation is completed, the investigating supervisor writes an investigative summary detailing the nature of the complaint and investigation. The summary also provides an initial recommendation of whether a complainant's charges are substantiated and whether some sort of corrective action for the officer, less than formal discipline, is warranted. That documentation is referred to within the LASD as an "SCR package." In the normal case, the captain reviews the SCR package, considers the merits of the investigation, and determines what action should be taken, signing a final disposition sheet, known as the "Result of Service Comment Review" form.



The disposition of supervisory inquiries is a judgment on the appropriateness of the officer's behavior in a given incident, concluding that the officer's conduct "should have been different," "could have been better," or was "reasonable." Investigators may also conclude that they are "unable to make a determination" if the result of an investigation is inconclusive. If the citizen's complaint is mediated—a rare occurrence in the LASD—the disposition is deemed "resolved." All service complaints simply receive the disposition of "review complete," with no further action taken.

If the disposition is "could have been better," the typical result is that the captain or lieutenant will meet in person with the officer and suggest tactics, strategy, or attitudes that would have obviated the citizen's complaint had they been used. If the disposition is "should have been different," the counseling will be stricter and may result in an entry in the station's personnel log, which can later be used in the officer's next personnel evaluation. If the disposition is "reasonable," no further action is taken. Although no discipline will result from a supervisory inquiry, the existence of the citizen's complaint and its disposition will appear on the officer's computerized performance record, the PPI.

We examined whether lieutenants and captains were properly exercising discretion to classify citizen's complaints on the disciplinary and nondisciplinary tracks. We found, in general, that this discretion is properly exercised; the SCRs that should have been referred for formal investigation indeed were.

In the few cases where there is a credible allegation regarding misconduct severe enough to warrant formal discipline (termination, demotion, suspension, or written reprimand), the investigator can request a formal administrative investigation, (written reprimand), to be conducted at the unit level or referred to the Internal Affairs Bureau (IAB) or ICIB, as appropriate. (For more information about this type of investigation, see our chapter discussing "Unit Level Investigations.")

Once the captain makes a specific disposition, the SCR package is forwarded to a Region Commander for review. Assuming the package is approved by the Commander, it is forwarded to the Discovery Unit, where the Unit reviews it for completeness and accuracy. Once it is certified as complete and accurate, the Discovery Unit enters the pertinent information into the PPI, essentially “transferring” the investigation from “pending” in the PDE system, to “completed” in the PPI database.

The Discovery Unit has, since our last consideration of the PPI, begun to scan the contents of each completed package into the database so that they can be easily accessed in the future. At present, almost all available SCR packages between the years of 2003 and 2005 have been scanned into the database.

Consequently, multiple layers of quality control at least theoretically exist. The investigator is the first and most obvious source of quality control; the quality of his or her investigation substantially impacts the legitimacy of the citizen’s complaint process and the fairness and accuracy of personnel information within the PPI. The captain, making a final disposition, reviews the SCR package and can either return it to the investigator, if it is found to be deficient, or make necessary changes to the documentation, especially the final disposition sheet, if warranted. The region commander can send the SCR package back to the stations if the commander locates deficiencies. Finally, once the commander approves the package, the Discovery Unit reviews it and can send it back to the unit for revision, requesting that additional information or items be furnished (such as missing supporting documentation, improperly completed forms, and missing signatures), or the Discovery Unit may make small documentation corrections itself. Before an SCR complaint investigation is complete and entered into the PPI, then, it has, at least technically, passed through four discrete layers of review.

### *III. Scope of the Evaluation*

In total, we reviewed 814 SCRs. Twenty of these SCRs were referred for a formal unit-level investigation. One was referred to IAB, and another was referred to ICIB. The remaining 792 SCR investigations terminated at the station supervisory inquiry level. We reviewed all 814 SCR files, regardless of whether they received dispositions as SCRs or formed the basis for subsequent, formal investigation.

For this review, we selected two stations from each of the Department's three field Regions and evaluated all SCRs initiated in the 2005 calendar year. We selected these stations in part because they had either a high number of SCRs in comparison to other stations or a comparatively high service-to-personnel complaint ratio. We chose Century because of the scandal over missing and uninvestigated citizen's complaints. For the Century and Compton stations, we initially reviewed the SCR files maintained at those stations. We discovered a short time later that the Discovery Unit, rather than the individual stations, maintains the *de facto* "final" version of the SCR packages scanned into PPI. Accordingly, for the four other stations, we reviewed the SCRs at the Discovery Unit.<sup>3</sup>

We did observe differences in the SCR packages at the stations as compared to the SCR package for the same complaint at the Discovery Unit. It appears that there is no uniform policy about whether the initial SCR package approved by the captain should be retained or whether the final SCR package entered into the PPI by the Discovery Unit should be the version maintained.

<sup>3</sup> We also reviewed the latest SCR and disposition sheets on file for the SCRs previously reviewed at Century and Compton, ensuring that our data reflected the changes and differences between the versions from the station and the Discovery Unit. We similarly reviewed the files stored at the Palmdale station and confirmed that the files stored at the Discovery Unit were indeed consistently more up-to-date than those maintained at the stations.

We recommend, therefore, that stations:

- (1) maintain a copy of the final version of the SCR package; and
- (2) maintain a record of all communications about changes to an SCR package after it has left the station for review at the regional and Discovery Unit levels, including Commander's memoranda or "blue sheets," Discovery Unit cover sheets, and records of telephone conversations with the Discovery Unit or Commanders regarding substantive changes to investigative files or disposition sheets.

Upon completing this audit, we found that 59 SCRs were attributed to the station or bureau that received the complaint, rather than the one that eventually handled or investigated it. This most often was the case when complaints involved specialized units that work out of a given station. For example, several complaints attributed to Century in the PPI database involved Operation Safe Streets personnel working out of Century. In those instances, Operation Safe Streets personnel conducted the investigations, and the SCR package was presented to the Operation Safe Streets captain for disposition. While the SCR form correctly listed Century as the "bureau/station/facility receiving comment," the SCR form lacks any place to document which LASD unit ultimately investigates and resolves the complaint.<sup>4</sup>

Accordingly, reports from PPI comparing SCRs among stations for 2005 give a picture that is not entirely accurate. We recommend that the SCR form note the unit whose employee triggered the investigation. The Discovery Unit has said it plans to modify the SCR form soon so that the SCR, which

<sup>4</sup> As a result of station misattribution within PPI, an unknown number of complaints received by other stations or bureaus, but investigated by and concerning officers or issues at the six stations examined, could not be reviewed for this report. Based on discussions with the Discovery Unit, we believe that this number is low and unlikely to substantially impact our analysis and recommendations. Because the only method for locating these misattributions would be an instantaneous audit of all SCRs for all stations and bureaus in 2005, we understand that it is simply not feasible, given the Discovery Unit's current staffing levels, to find these SCRs for the present report. We are confident that the unit's ongoing audit project, which has settled issues and cleared overdue or pending SCR investigations for each year since 1993, will resolve the issue.

currently asks for the “bureau/station/facility receiving comment,” will be changed to ask for the “handling station.” Data about the receiving station will be noted elsewhere on the revised SCR. We endorse this change so long as it is understood that the “handling station” refers to the station or unit whose employee triggered the citizen’s complaint.

The following analysis considers the service comment report review process from the initial stages of complaint type classification and documentation of the complaint, through investigation and disposition, to correction.

## **A. Initial Complaint Documentation and Classification**

### *1. Initial Complaint Documentation*

For the most part, initial documentation of the complaint on the SCR form was accurate, and the forms were filled out both legibly and properly. In the few cases where information was brief, confusing, or missing on the initial SCR form, complete information was usually provided in the supporting documentation or the investigative summary.

### *2. Classification—Personnel or Service.*

Approximately 83 percent (674 complaints in total) of the SCRs reviewed in the six stations were classified as personnel complaints, with the remaining 17 percent (or 140 complaints total) considered service complaints. In the final classification entered into the PPI, 42 percent of these service complaints—59 complaints in total—were misclassified as service complaints when they should have been classified as personnel complaints.<sup>5</sup>

We judged that a service complaint was misclassified when the original complaint referenced a specific action by an employee. Service complaints should encompass only those that concern a policy or the department

<sup>5</sup> In contrast, only one SCR was classified as a personnel complaint when it should have been a service complaint.

generally. Watch commanders may classify a given SCR as involving both a service and a personnel complaint.<sup>6</sup> For example, in an instance in which a complainant alleges that a deputy was rude while giving the complainant a traffic citation that she shouldn't have received, the complaint should be considered as both a service complaint, to address the perceived unfairness of the traffic citation, and a personnel complaint, to address the allegations of discourtesy. In instances where the complaint initially appears to concern department service, but through investigation is more closely associated with particular actions by a specific officer, the classification should be changed.

That 42 percent of service complaints were misclassified is cause for serious concern. On the other hand, it is reassuring to note that many other initial misclassifications were corrected during the review process. In fact, we discovered 35 additional SCRS—not including the 59 above—that had been initially misclassified but were subsequently corrected. Of these, 32 were visibly corrected on paper; for the other three, we did not note any changes on the paper file that we reviewed, but the PPI entry was correct. Although some changes were initialed by the person who made them, others were simply crossed or “whited out.” The implementation of a uniform tracking system for changes would help to identify the stage at which such corrections were made.

The consequences of misclassification are not trivial. A service complaint, in contrast to a personnel complaint, is not linked to a particular officer and thus will never show up in that officer's PPI records. Accordingly, an intentional misclassification of a personnel complaint as a service complaint can mask misconduct by a given officer, thereby subverting the disciplinary system, the PPI, and the Department's ability to manage the risks that officer might pose. Because an intentional misclassification can be used in this

<sup>6</sup> In this event, the citizen's complaint would likely generate 2 SCRs – one for the personnel complaint and another for the service complaint.

troubling way, it is important, as we have done here, to audit the process to see if the power to classify a complaint has been abused.

Misclassification of SCRs arose in three instances:

*a. Clear, improper classification of personnel complaints as a service complaint.*

In some instances, we could identify no reason why the complaint was thought to be a service complaint and not a personnel complaint. The Santa Clarita station misclassified more clear personnel complaints as service complaints than other stations.

- In one case, a victim of a hit-and-run accident complained that a certain deputy was discourteous and unsympathetic to her at the scene of the hit-and-run and later failed to document the hit-and-run in a proper report. As the complaint dealt specifically with alleged misconduct by a specific deputy, the complaint should never have been classified as a service complaint; it was clearly a personnel complaint alleging “neglect of duty” and “discourtesy.” The misclassification was never corrected.
- In another instance, a complainant accused a specific deputy of discourtesy while directing traffic. In this case, there was no justification for the complaint’s classification as a service complaint and no reason why the error was not caught and corrected.

The Department should be vigorous in communicating and clarifying SCR classification standards. Because the designation of complaints as a service problem has been reported to have been used in the past as a means of letting officers “off the hook,” it is imperative that investigators, as well as those who review their work, carefully evaluate the appropriateness of the classification. Those persons who appear to have deliberately misclassified a complaint in order to protect a deputy should themselves be subject to discipline.

*b. Apparent confusion about how to properly classify a complaint.*

For some SCRs, it appeared that there was some confusion as to how properly to select appropriate complaint classifications for a given fact pattern and the incorrect belief that a single citizen's complaint cannot generate both a personnel and service complaint.

- A complainant to the Compton Station claimed to be the victim of “targeting” by a particular deputy that culminated in the deputy unfairly issuing the complainant a traffic citation. The complaint was classified and investigated as a service complaint about the traffic citation despite the allegations about the specific officer. One complaint should have been opened as a service complaint about a traffic citation. A second personnel complaint should have been opened and investigated as an allegation of “harassment.” Because the issues of targeting or harassment were never explored, the investigation was compromised and incomplete.
- In a complaint filed at Lakewood Station, a carjacking victim had called for police several times. When a deputy finally arrived at the scene, she told the victim to wait. She then left, returning only much later. The complaint raised both service and personnel issues. To the extent that the victim had to call several times and had a long wait for an initial response, the errors, if any, likely had to do with response times, although it is possible that the apparently slow response time could have been the result of errors by the dispatcher or by responding officers taking too much time. If so, those latter issues should have resulted in personnel complaints. More importantly, the victim also complained that the responding deputy came and then left her alone at the scene inappropriately. That complaint was, without doubt, a personnel complaint against responding deputy for “neglect of duty” and possibly also a complaint for discourtesy or rude treatment. The complaint nonetheless was classified entirely as a service complaint and never corrected.



*c. The incorrect use of personnel complaint dispositions for service complaints.*

For a few complaints classified as service complaints, the disposition was that the actions of a specific officer were “reasonable,” “should have been different,” or “could have been better.” These are dispositions for personnel complaints, however, not service complaints, which generally receive only a disposition of “review complete.” Because the PPI is designed to track such dispositions only for personnel complaints, these SCRs should have been corrected by reclassifying the complaint as a personnel complaint.

- At the Santa Clarita Station, a disposition of “reasonable” was given to a complaint dealing with the actions of particular deputies during a search. The complaint, however, had been misclassified as a service complaint. The disposition of “reasonable” can only be for a personnel complaint and never for a service complaint.

In several other instances, reviewers did manage to identify instances where a service complaint received a disposition reserved for a personnel complaint and generally properly reclassified the SCR as a personnel complaint. The PPI database should be modified so as not to allow the improper input of a personnel disposition type, such as “reasonable” or “should have been different,” for a service complaint or, conversely, the improper input of “review complete” as a disposition for a personnel complaint.

#### *IV. Personnel Complaint Categories*

There were very few instances where the Watch Commander misjudged the appropriate sub-category of the personnel complaint in terms of “discourtesy,” “neglect of duty,” or “harassment,” among other possible categories.

Nonetheless, approximately ten percent of SCRs (or 81 total) included or suggested allegations in the summary or follow-up interview that had not been marked as a complaint category on the original SCR form. Many of these missing complaint categories were secondary concerns. Yet in several instances, the more “serious” complaint categories, such as “unreasonable force,” were not checked on the SCR form. It may be an honest oversight, but it may, alternatively, reflect an effort to shield given officers from having a charge of “unreasonable force” on their PPI records. If so, there is potential for abuse that needs to be carefully audited and corrected.

- A Compton complainant alleged that a specified deputy “tried to kill” the complainant with OC (pepper) spray. The SCR failed to note the allegation of “unreasonable force,” though the force was nonetheless investigated, with the involved deputy counseled on ways to improve his future performance.
- At Palmdale, an SCR investigation considered issues related to a complainant’s allegations that an officer exhibited extreme discourtesy and improperly “dragged” him to the deputy’s patrol car. The investigation evaluated the relative validity of the whole of the officer’s behavior in the incident, including the alleged use of force, but the complaint categories ultimately reflected on the primary SCR form and ultimately entered into the PPI were “discourtesy” and “improper detention.” The proper complaint category of “unreasonable force” was never added; the use of force was not explicitly held reasonable or unreasonable.

We also found instances in which clear allegations of “unreasonable force” were not investigated at all.

- At Lakewood station, a complainant stated that he was treated roughly during a transit stop, causing some existing sores to bleed and the

complainant ultimately to pass out. The investigative summary, however, fails to discuss “unreasonable force” in any great detail, focusing instead on whether the complainant was improperly searched and detained. Indeed, the complainant’s injury to his stomach is only mentioned in passing, when the investigator suggests that “it would have been difficult to avoid physical contact...while conducting a thorough search.” The failure to consider the unreasonable force allegations separately, rather than just as a component of considering whether a search was proper, was not caught in the review process.

We do not mean to suggest that every misclassification or failure to note and investigate a particular allegation is done with a corrupt motive. Indeed, in some instances, the errors appeared to arise from a pair of misperceptions:

**A. The misperception that multiple “checks” on a personnel complaint will be reflected as separate complaints in the PPI.**

Some Watch Commanders mistakenly believe that, if multiple categories are checked on a personnel complaint, there are multiple entries made in the deputy’s PPI for each category selected. These Watch Commanders worry that a given officer will thus receive too many PPI entries and that the station will be tagged with having caused too many citizen’s complaints. Consequently, some Watch Commanders check only the “main” personnel complaint category rather than checking all applicable categories raised by the allegations in a citizen’s complaint.

The PPI, however, is indeed sophisticated enough not to count each allegation in one citizen’s complaint as multiple citizen’s complaints. The LASD should disabuse all Watch Commanders of this misperception.

**B. The misperception that no changes should be made once the SCR has been filled out.**

Some lieutenants and captains mistakenly believe that no changes should be made to the SCR once it has been completed. We appreciate the caution that these captains and lieutenants demonstrate by disallowing changes. Obviously, substantive alterations of a completed SCR could unfairly limit the scope of an investigation or distort its results.

On the other hand, mistakes need to be corrected. To maintain accountability, any changes should be dated and initialed, rather than changed with white-out, as was the case in some SCRs we reviewed. These changes should also be recorded explicitly and specifically on a log included in the SCR package.

We recommend that Watch Commanders and Captains be instructed to correct the boxes checked if there have been mistakes. We further recommend that if the investigation reveals additional misconduct, the SCR be revised to indicate it.

*V. Investigation*

With few exceptions, SCRs were accompanied by an extensive investigative summary compiled by the assigned investigator. These properly included:

- A synopsis of the complaint, usually drawn from a follow-up phone call or interview with the complainant;
- A summary of each interview conducted;
- A description of any other investigative work done, such as a review of records, emails sent, or a log and description of witnesses that an investigator attempted to contact (regardless of whether the investigator ultimately made contact);

- The investigator’s suggested findings and rationale;
- For a finding of “could have been better” or “should have been different,” the corrective action taken. Some stations were better than others at detailing the nature of corrective action taken, whether it was an entry in the employee’s performance log (which records a supervisor’s informal observations and counseling for use in the evaluation process) or an informal conversation with the deputy about specific conduct or tactics.

The investigators at Compton, Century, and Palmdale stations should be especially commended for frequently focusing their investigations and recommendations beyond the strict parameters of the initial complaint to address tactical, training, or systemic issues uncovered during the course of the investigation. Many investigations at these stations resulted in constructive guidance to officers about ways to improve skills and strengthen relations with the community.

- In one SCR from Compton Station, the investigator found the complainant’s accusation of harassment to be without merit and the deputy’s behavior reasonable, yet the investigation memo nonetheless led to a performance log entry relating to the officer’s improper tactical execution of a solo traffic stop detention.
- Similarly, many cases of alleged discourtesy at the Century Station ultimately could not be resolved definitively, leading to a disposition of “unable to make a determination.” The involved officers were nonetheless counseled on ways that they might improve their tactical communication skills in order to avoid future complaints.

Due to the generally high quality of the SCR investigations, the less thorough or otherwise problematic investigations stood out even more.

In contrast to the completeness of the majority of SCRs, we did uncover some notable and, in a few instances, troubling exceptions.

Overall, some 150 investigations in total (or 18 percent of SCRs reviewed) should have been better for at least one of the following reasons.<sup>7</sup>

#### **A. Failure to interview obvious parties or witnesses.**

In several instances, investigators failed to interview witnesses, and even involved parties, about the incident that generated the complaint.

- In an investigation at Santa Clarita Station, the investigative summary for a service complaint did not reflect any effort being made to contact the complainant. Instead, the summary simply restates the vague complaint synopsis included on the original SCR form and makes a summary judgment on that alone.
- In a Lakewood Station case, the investigation concluded that the complainant's brother's arrest for public drinking was reasonable based solely on what appears to be a one-sided discussion with the complainant. The investigative summary includes no account of the investigator's interview with the complainant's brother, only indicating that the complainant was indeed contacted. The investigator notes that he told the complainant that his brother "was observed drinking from a beer can while standing on the public sidewalk" and before he "walked onto the front yard" of a residence "when he was arrested," making "the arrest... lawful because the violation was observed on the public sidewalk." The investigator appears to accept completely, and from the beginning, the involved deputy's version of the fact pattern involved in the incident, but there is

<sup>7</sup> Again, some SCR investigations were associated with more than one deficiency; the statistics referring to the number or percentage of SCRs with each highlighted deficiency therefore do not sum up to this overall statistic.

no reference to whether the involved deputy was interviewed during the investigation.

- At Palmdale, a woman claimed that the involved officer was following her car, essentially waiting to cite her. When interviewed during the SCR investigation, the officer said that he followed her because she was posing a hazard by reading while driving. The investigators appear not to have interviewed the complainant or the two real estate clients with her in her car. Instead, the investigation simply recommended a “reasonable” disposition, which is currently reflected in the PPI, based solely on the deputy’s version of events.

We urge the Department to require that captains certify, when signing off on an SCR, that a good faith effort has been made to locate and interview necessary witnesses, especially the complainant and the involved officer, at minimum. Part of giving a complainant a fair hearing is to ensure that an investigator actually hears from the complainant, as well as involved personnel, during the investigation of a complaint. Some lieutenants and captains seem to believe it is sufficient if the complainant is given an initial interview at the time the complaint is filed. We suggest that the initial interview may often be insufficient, especially in instances in which the involved officer disputes or challenges an allegation unless, of course, the allegation was such that no reasonable person could fail to conclude it was patently absurd.

## **B. Biased investigations and/or investigative summaries.**

An investigation is biased if the investigator is unfair to one side or posits facts or describes incidents in a manner that demonstrably favors one party over another. Overall, we found approximately 5 percent of all investigations (or 38 in total) or investigative summaries of citizen’s complaints to be biased in some way.

We are also concerned that biased investigations and summaries were reviewed and approved throughout the chain of command without apparent comment or concern. At the Santa Clarita Station in particular, the tone of investigative summaries did not always reflect appropriate impartiality and balance.

- A father made a complaint that a Santa Clarita deputy was discourteous to his daughter during a traffic stop. The deputy activated his lights to get the teenage driver to pull over, but she did not do so until the deputy pulled alongside her and motioned for her to pull over. While the complaint alleged that the deputy treated the girl exceptionally rudely when he approached her, the investigation does not explicitly consider this claim. Rather, it focuses exclusively on the extent to which the deputy's action of pulling the girl over was tactically appropriate, about which there was no dispute. In doing so, the investigator writes that the teenager "exaggerated the negative aspects of the traffic stop in an attempt to draw her father's attention from the fact that she is a poor driver and probably a danger to herself and others on the road way (sic). A conscientious father would have taken [the girl's] driver's license for a period of time as one accident and one speeding ticket and failing to pull off to the side of the road during a traffic stop show that she is not yet responsible enough to drive." The editorializing and moralizing about the girl is entirely out of place. The complaint is that the deputy was rude, an allegation that was never investigated. The investigation was nonetheless signed off on by the captain and never changed.
- In another investigation at Santa Clarita, involving a woman who was stopped by a deputy after she drove the wrong way in a lane to get around a tree that had fallen in the roadway, the woman filed a citizen's complaint alleging that the deputy was discourteous, told her she needed glasses,



prevented her from getting the fresh air she needed when she indicated that she was having difficulty breathing, and said that she was keeping him from his real job. In the investigative summary, the investigator wrote, “the problem appears to be that [the woman] is a poor driver. She didn’t know what to do when her path was blocked... Based on my 45 minute conversation with [the woman], I felt that she should be re-evaluated for her driver’s license... I also felt that [her] actions during this incident showed signs of impaired judgment although I cannot determine the cause of the impairment.” Rather than investigating the merits of the discourtesy claim, the investigator attacked the complainant’s judgment and driving skills.

A few SCR investigations unfairly gave great weight to subjective or personal assessments of the officer by the investigator beyond the context of the incident spawning the complaint.

- In another instance at Santa Clarita, a woman alleged that a particular deputy had been discourteous and further believed that that someone had been stalking her. The woman gave signs of mental impairment. The investigation, however, never addressed the claim of discourtesy and instead recommended a disposition of “reasonable” based on the investigator’s conviction that the officer was a good guy: “In my observations of [the] Deputy..., I have found him to be very courteous to everyone he speaks to. He appears to be gentle and patient with people. I have never seen him treat anyone poorly.” While that may be the investigator’s opinion, and may be true, it does not resolve the specific allegation of discourtesy alleged in the complaint. Indeed, the specific allegation of discourtesy was never addressed, and this error was not caught through several layers of review.

A few SCR investigations appeared excessively inclined to cast officer behavior in the best possible light.

- A citizen's complaint was filed against a Santa Clarita deputy for discourtesy. The complainant stated that after asking the deputy to give her regards to persons she knew at the station, the deputy told her (verified in an audiotape of the incident) that "I'll be sure to tell them to come see you in the hospital after you crash." The investigator editorialized that this "was a polite way of telling [the complainant] to slow her speed when she is driving." Even though the ultimate disposition was that the deputy's actions "should have been different," the questionable editorial comments were neither struck nor noticed in the review process.
- In a Lakewood case, an allegation that a particular deputy was rude and used profanity was held not to be "substantiated" because "the reporting party failed to provide any witnesses to substantiate his story." Rather than considering the merits of the matter, the investigator instead discussed the complainant's criminal and driving histories in specific detail. The final disposition was "reasonable." The result was clearly unjustified because there never was an investigation of the complainant's allegation, which was not caught in the review process.

We recommend that operations lieutenants and captains reinvest in their role as primary reviewers of SCR investigations. Approval of biased investigations or summaries should not occur where there is an unwavering commitment to high-quality investigations. If anything, our review, especially of the Century Station, demonstrates that such a commitment can and does exist among many areas and individuals within the Department.

### **C. Poor documentation**

Our review noted several instances, about 4 percent of SCRs (or 29 investigations in total), in which the SCR files were missing documentation. While, in most instances, we have no reason to doubt that such documentation was included, at one time, in the SCR package, the Department should make every effort to maintain comprehensive records of SCR investigation files, especially when the final version of the files are now scanned directly into the PPI system for subsequent access. In many instances, the lack of documentation made review of the package futile.

- The file documenting investigation of a complaint of discourtesy against a Palmdale officer lacked multiple pages of the investigator's summary, which made any thorough review of the case nearly impossible. As a result of this documentation issue, justifications or reasons for the final disposition of "reasonable" are unclear.

Some SCR files lacked important supporting documents, such as accounts of interviews with complainants or copies of the traffic citation issued during an incident cited in a complaint.

- In an investigation at the Century Station, there was no copy in the file of a standard letter notifying the complainant that he or she had ten days to contact the SCR investigator. While it appeared that all proper procedures were indeed taken—the complainant was notified, ten days elapsed, and subsequent disposition occurred with no negative stigma attached to the complainant's failure to speak with the investigator—the lack of comprehensive documentation rendered this needlessly difficult to verify.

On the whole, documentation issues rarely affected the quality of the investigation. Nonetheless, such missing documentation makes the SCR file less complete than it could be, raises questions that need not be, and might

lead individuals reviewing the SCR file subsequently to develop an unfair impression of a given SCR or officer.

**D. Incomplete or inadequate investigative summaries or recommendations.**

In 11 percent of SCRs (or 86 in total), the investigative summary appeared overly brief and the supporting documentation exceedingly sparse given the nature of the complaint. While these cases were quite isolated among the hundreds of SCRs that we reviewed, we were troubled that such investigations were never questioned or flagged for revision upon review by subsequent personnel.

- In one of the more troubling cases we reviewed, a complainant alleged that a Santa Clarita deputy was extremely rude while citing the complainant. The investigative summary is two paragraphs long, including a very short synopsis of the complaint taken largely from the brief description on the SCR form. The investigator concluded: “It is recommended no further action be taken in this matter. I will instruct [the involved deputy] that although it is okay to allow a person to know that their conversation is being audio taped, it is not appropriate to dissuade someone from making a complaint. I do not believe that was [the deputy’s] intent in this situation. Rather, his choice of words was poor.” With the investigative record silent as to what prompted these conclusions, the investigation appears highly perfunctory and inadequate. One is left with the impression that a deputy had tried to dissuade someone from filing a complaint. If true, this would be a matter for warranting discipline. There is no commentary or justification relating to the rudeness allegation. Nonetheless, the recommended disposition of “reasonable” was approved by the captain.

In other instances, the investigative summary, which in most cases exists as the only record of how an investigator examined a given case, failed to provide sufficient detail.

- A personnel complaint at Lakewood received a disposition of “unable to make a determination” due to the inability of the investigator to contact the complaining party. Despite the ultimate disposition essentially centering on the unavailability of the complainant, the investigation provides no details whatsoever as to how often, when, or via what methods the investigator attempted to contact the complainant. Instead, the summary only indicates that the investigator left “several telephone messages.”

In a very few cases, investigators made only perfunctory efforts to identify an involved officer not identified on the citizen’s complaint or to otherwise follow up on questions of fact.

- One investigator at Compton sent out an email inquiry but made no follow-up effort to make sure that all units actually responded to the e-mail or to further attempt to identify the deputy involved. Because the identity of the implicated individual was never determined, the complaint received a disposition of “unable to make a determination.” This halfhearted effort deprived the complainant of his or her due.

#### **E. No apparent investigation undertaken**

At Compton Station, four SCRs had no documentation of any investigation whatsoever and remain as “pending” in the PPI. In each case, the file contained all duplicate copies of the SCR sheet and a notation that the SCR had been entered into the PDE module. There was no clear indication as to whether any investigation had been conducted or any specific finding made. Eleven additional SCRs among the six stations were marked as “pending” in

the PPI, meaning that a completed investigation had not yet been forwarded to the Discovery Unit. While the PPI is designed to flag any such outstanding complaints, assuming they were properly entered into the PDE module, any eventual investigation of these complaints will likely be much more difficult (and outside the statute of limitations) since they are now far in the past.

## **V. Timeliness of the Investigation**

On the whole, SCR investigations were completed in a timely manner. Nearly three-fifths (59 percent) of all SCR investigations concluded in between 30 and 90 days; one-quarter (28 percent) actually concluded in less than 30 days. About 11 percent took between three and six months to conclude, and 2 percent took between six months and a year to finish.

We identified no clear patterns or trends as far as certain types of cases, or cases receiving particular dispositions, taking comparatively more or less time to investigate. We commend investigators on completing their thorough investigations in a timely fashion.<sup>8</sup>

## **VI. Disposition**

The majority of SCRs were found to have an appropriate disposition. Still, about 9 percent of all cases—beyond those misclassified complaints, with resulting inappropriate findings, discussed previously—received a disposition that raised questions.

### *A. Unable to make a determination*

In nearly one-quarter (24 percent) of cases, the investigator, after pursuing all relevant leads, was “unable to make a determination” about the merit of the case. The disposition was generally used for “he said, she said” complaints.

8. The completion date refers to the date listed on the disposition form, meaning that the summary was completed and a disposition reached. We did not evaluate at how long it took SCRs to reach the Discovery Unit in their final form.

Generally, we observed a tendency to give involved officers a benefit of the doubt in instances where fact patterns were vague, confusing, or conflicting. Stations should be more comfortable and willing to use the “unable to make a determination” disposition in cases in which the dispute centers on a fundamental divergence between the accounts of the complainant and involved deputy, rather than instinctively determining an officer’s actions to be “reasonable” despite potentially credible, but unverifiable, evidence to the contrary.

- A woman complained to the Compton station that a responding officer to a domestic disturbance call demeaned her living situation, calling it a “roach-infested gang area.” The officer insisted that he was giving the woman constructive advice about how the woman could improve her situation. The complainant and officer ultimately were determined to have substantially differing accounts of the incident, rendering the case essentially a “he said, she said” situation. The officer’s actions were, however, ruled to be “reasonable,” with no clear justification given in the investigative summary or supporting documentation for why the officer’s account was more valid.

While we do urge that stations use the “unable to make a determination” disposition where appropriate instead of “reasonable,” we also recommend that stations avoid “default” dispositions in “he said, she said” cases.

We found that such “default” dispositions in this class of cases varied from station to station. The Century station, with 47 percent of all complaints closed with an “unable to make a determination” finding, was especially consistent in the manner in which it disposed of cases that rested on the credibility of conflicting statements. Even if the investigator appeared to believe the officer, complaints lacking an independent witness—a third party other than the deputy’s partner—were uniformly assigned a finding of

“unable to make a determination.” We would urge investigators at the Century station to exercise, within reason, their well-honed intuitive senses of credibility in order to reach conclusions where possible. That is, investigators should feel more free to find either the officer or citizen more credible in order to be able to make a determination, which will prevent “unable to make a determination” from becoming an overly used catch-all disposition that investigators use when they are unwilling to make judgment calls or investigate thoroughly. Support for such determinations of credibility should, of course, be clearly documented.

In contrast, the Santa Clarita station had a much lower proportion—11 percent—of “unable to make a determination” dispositions than did Century, with 46 percent of all Santa Clarita complaints closed with a disposition of “reasonable.” Nearly all findings that relied on an investigator’s assessment of the truthfulness of conflicting statements were almost always in the deputy’s favor—including a few instances where a third party citizen was an eyewitness and interviewed. At Santa Clarita, when everything is deemed equal, the officer gets the benefit of the doubt, with his or her behavior determined to be “reasonable.” We encountered a similar but less pronounced trend at the Compton and Lakewood stations. The utilization of a rule that “the tie goes to the officer” has been roundly condemned since the 1992 **Kolts Report**. It often is a cover for a lazy and incomplete investigation, where the investigator is reluctant to criticize an officer or “bite the bullet” and make a credibility determination.

Yet judgment calls and credibility determinations are inherent in police work. Police officers and sheriff’s deputies make decisions several times a day about whether someone is telling them the truth. They make arrests and send people to jail based upon their assessment of an individual’s believability. When it comes to the relative credibility of a fellow officer and a citizen, it is too often the case that law enforcement defaults to a conclusion



that it is “unable to make a determination,” as appears often to be the case at Century, or simply calls the matter in favor of the officer, as appears to be the case is Santa Clarita. These judgment calls should not be uniformly predictable.

In short, dispositions for cases with conflicting accounts should not, as is the practice at both the Santa Clarita and Century Stations, be regularized in favor of a specific disposition. We recommend more sparing use of “weasel” dispositions of “unable to make a determination” or “reasonable” in “he said, she said” situations. Better yet, we recommend that cases that are truly unable to be resolved be mediated by a neutral outside facilitator.

*B. Could have been better or should have been different.*

In about one-fifth of the complaints (19 percent), investigators found that the deputies’ conduct “could have been better” or “should have been different.” This disposition seemed favored in cases where the facts were not in dispute or could be easily verified through evidence—usually taped audio or video records of interactions—or through interviews with several witnesses. In the majority of cases, this appeared to have been the appropriate decision, because, while the deputy’s actions were not a violation of policy, they may have displayed poor judgment or failed to follow best practice.

SCR investigations with these dispositions often included a summary of any corrective action taken. For cases with a “could have been better” finding, corrective action generally consisted of a counseling session with the supervisor. In those with a “should have been different” designation, the corrective action tended to include a Performance Log entry in addition to counseling. The nature of the corrective actions taken appeared similar across stations but was not as consistently documented at some stations, such as Century.

We applaud the use of “could have been better” or “should have been different” dispositions in instances where the officer’s behavior contributed to

or exacerbated a situation or led to a more negative outcome than was necessary. This willingness to use the supervisory inquiry process as the corrective tool it is intended to be was especially apparent at the Palmdale station.

- A disabled complainant was upset at being issued a citation for parking at a red curb in a crowded store parking lot. The complainant did not believe that the involved deputy had treated him courteously. After discussing the incident more with the SCR investigator, however, the complainant ultimately indicated that “now that he had thought about it, his real problem” was with the store “for not providing enough handicapped parking spaces” and was “satisfied with our response.” Despite this satisfactory resolution with the complainant, the investigator still recommended a disposition of “could have been better,” as the involved deputy could have managed “public perceptions” better in his interaction with the complainant and avoided having the incident escalate to the level of an SCR. Accordingly, the deputy was scheduled to a training in Tactical Communications. The investigator made such a recommendation, and the captain approved it, despite the fact that the dispute essentially centered on a “he said/ she said” discourtesy incident that might have been deemed at other stations “unable to make a determination” or “reasonable,” with no follow-up to lessen the risk of similar incidents involving the same deputy in the future.

The “could have been better” or “should have been different” disposition should be used as a primary tool in improving the skill level and training of officers, as well as preventing potentially long-term problems before they become more firmly established.

### *C. Reasonable*

Thirty-six percent of all SCRs resulted in a finding of “reasonable.” In 19 percent of those, the investigative summaries failed to disclose why that disposition was appropriate. The problem occurred most often in the disposition of “he said, she said” cases where there was no independent witness and the investigative summary failed to explain clearly why the officer’s account was judged more valid.

Some investigations focused on a reasonable aspect of an officer’s behavior and recommended a “reasonable” disposition despite potentially less reasonable conduct that the investigation overlooked.

- An investigation of a complaint at Lakewood alleging discourtesy, improper tactics, and neglect of duty failed entirely to consider the discourtesy and neglect of duty claims. Instead, the investigation focused substantially on whether the deputies used appropriate procedure toward the complainant or could have done anything to prevent the exacerbation of the complainant’s pre-existing shoulder injury. Accordingly, the investigator recommended, and the captain accepted, a disposition of “reasonable” despite the failure to explicitly address the “discourtesy” and “improper tactics” complaint categories.

In some instances, a deputy’s conduct was deemed “reasonable” overall when there were clearly some aspects of the officer’s conduct that could have been better or should have been different, or where the facts could not be resolved.

- At the Palmdale station, the investigator states that “based on the available information, I could not resolve this incident” and “could not resolve the different versions of initial contact” between a suspect who was complaining of being unfairly searched and the involved deputies.

Given that the investigator was unable to reach conclusions, a final disposition of “reasonable” lacked clear justification. This particular complaint should have been deemed unable to resolve.

- Another investigation into a complaint of discourtesy at the Palmdale station determined that a sergeant’s approach “may have been perceived as aggressive and accusatory to the reporting party,” a juvenile. Despite noting the possibility that the sergeant’s behavior could have been better, the final disposition for the complaint was “reasonable.”

#### *D. Review Complete (Service Complaints Only).*

SCRs classified as service reviews generally receive a uniform disposition of “review complete.” For SCRs properly classified as service complaints, the investigation, or review of the complaint, of department service or procedure was thorough and well-documented.

#### *E. Conflict resolution.*

In our **Twentieth Semiannual Report**, we found that LASD mediation of citizen’s complaints was an underutilized tool. Mediation conducted by neutral outside facilitators schooled in dispute resolution may lead to a better overall result, particularly in “he said, she said” cases. The underutilization of mediation was reflected in our current review, where only five cases resulted in a disposition of “conflict resolution.”

In one case, the disposition of “conflict resolution” was inappropriate. There, the investigator considered a case closed after deputies reportedly called to apologize for their behavior, which does not qualify as “conflict resolution” because there was no actual mediation. The complainant had no opportunity to voice concerns or to accept or reject the reported apology.

## **VI. Corrections and Revisions**

The problems with the classification, investigation, and disposition of citizen's complaints should have been caught and corrected by the captain at the given station. The captain should not sign a final disposition sheet for an investigation until he or she has reviewed the investigative file in detail and double checked the work. Substantive errors should be caught and corrected at the station before it is sent to the Commander for review. In turn, the Commanders should conduct a *de novo* review of the file and make changes as appropriate or send the file back to the station for correction.

Currently, the Discovery Unit cannot provide a substantive review of a given investigation. When bureaucratic or procedural errors are located by the Discovery Unit, the Unit can send the file back to the station for correction with a "Request For Additional Service Comment Information" form as a cover sheet reflecting the reasons why the SCR file is, in the language of the cover sheet, "problematic and can not be entered into the database." All subsequent changes or corrections that are made to address such issues should be initialed on the original SCR form and disposition sheet, as well as the investigative summary.

While there was some evidence of correction on some of the SCR files reviewed, it was sometimes difficult to pinpoint where these originated, particularly where white-out was used. No written requests for additional investigation or changes were found in the files. We recommend that documentation be maintained on a centralized log in the SCR package so that corrections and revisions can be traced. Finally, as noted earlier, all corrections or revisions should be initialed and dated. We discourage the use of white-out.

## *Conclusions and Recommendations*

With 65 percent of SCR files judged thorough and complete, and 82 percent of the investigations deemed reasonable and objective, we commend the department for strengthening its commitment to the fair investigation of citizen's complaints. The department can still, however, take a number of steps to ensure that investigations of citizen's complaints are always fair, thorough, and accurate. Accordingly, we recommend the following:

- All stations across all regions should employ a tracking system for outstanding SCR investigations similar to the system invented at Industry Station and which Region II currently, and effectively, uses.
- Stations should maintain a copy of the final version of the SCR package that reflects all edits or changes made at any point during the investigation or subsequent review.
- The SCR form should note the unit whose employee triggered the investigation so that the unit can be appropriately associated with that SCR in the PPI database. Changes underway within the Discovery Unit to include a field on the SCR form asking for the “bureau/station/facility receiving comment,” and another asking for the “handling station,” should be implemented, as soon as possible, so long as watch commanders are made aware of the crucial distinction between these fields.
- A uniform system for making changes to the SCR form and the SCR package, in which such changes are logged in documentation included as a part of that SCR package, should be adopted. Stations should use this centralized log to record all communications about changes to an SCR package at supervisory levels beyond the station, including but not limited to memoranda from Commanders, Discovery Unit cover sheets, and records of conversations with the Discovery Unit or Commanders about specific SCR packages.

- SCR classification standards should be continuously and clearly communicated to all supervisors. In particular, it should be emphasized that a complaint relating to the specific behavior of a certain officer is almost never a service complaint. It should also be emphasized that a single complaint from a citizen can generate both a personnel and service complaint.
- In order to identify potential classification problems, the PPI database should be modified so as not to allow the improper input of a personnel disposition type for a service complaint or the improper input of a “review complete” disposition—a disposition exclusively meant for service complaints—for a personnel complaint.
- The LASD must correct the misperception that multiple “checks” on a personnel complaint will be reflected as separate complaints in the PPI.
- The LASD must correct the misperception that no changes should ever be made on an SCR form once it was been filled out. Instead, the Department should communicate that changes can and should be made so long as they are dated and initialed (rather than changed with white-out) and listed on the centralized log. Watch Commanders and Captains should be specifically instructed to revise the original SCR form to identify additional categories as necessary or as the investigation dictates.
- The Department should require captains to certify, when signing off on an SCR, that a reasonable, good faith effort has been made to locate and interview necessary parties, especially the complainant and the involved officer. Investigations that have not attempted to speak to the complainant and involved officer should generally not be certified.
- Operations lieutenants, captains, and commanders must not tolerate and must not approve biased investigations and summaries that describe incidents in a manner that unfairly favors one party over another.

They must similarly be vigilant in rejecting incomplete or inadequate investigations and summaries. Given that many of the issues, problems, and errors with SCRs are easily identifiable, a captain, commander, or other supervisor should not sign off on an SCR of final disposition until he or she has reviewed the investigative file in detail and double checked for substantive errors.

- The Department must maintain comprehensive records of SCR investigation files, especially now that the Discovery Unit scans a completed SCR package into the PPI database.
- Stations must avoid the use of “default” dispositions, whether “unable to make a determination” or “reasonable,” in “he said, she said” situations. Investigators must use their inherent and well-honed investigative abilities to judge parties and cases fairly and separately rather than instinctively using particular dispositions automatically in cases with certain types of fact patterns.
- The “could have been better” and “should have been different” dispositions should be used as a primary tool for improving the skill level and training of officers and preventing long-term problems.





## *Introduction*

Unit level investigations are formal LASD internal investigations, leading to potential discipline, conducted at the particular patrol station or unit from which a complaint arose. Altogether, in 2005, the year we reviewed, 752 formal investigations were initiated. Seventy two percent of them occurred at the unit level. The Internal Affairs Bureau (IAB) conducted the remaining 28 percent. Accordingly, any broad review of the investigatory and disciplinary system must concentrate on the integrity and fairness of unit level investigations.

Our review found the quality to be high. Investigators were thorough, rigorous, and fair, and documentation was, for the most part, good. The adjudications of unit level investigations were generally reasonable, fair, and warranted. Unit level adjudications were most frequently, and appropriately, adjudicated “founded,” though we did identify a few instances, discussed in detail below, in which decision-makers adjudicated charges inappropriately given the facts found during the investigation.

Compared to similar reviews in prior years, unit level investigations have improved markedly, with investigations being less result-oriented, more objective, and balanced. We found much less overt bias in the officer’s favor than in our previous reviews. Importantly, we detected no difference in the thoroughness and fairness of investigations deriving from a citizen’s complaint as contrasted to those resulting from the internal complaints. We commend the LASD for these improvements.

In contrast, the LASD disciplinary system is flawed and on occasion lacks integrity. There is too much deal making. There is too much plea bargaining.

An employee has everything to gain and nothing to lose by grieving discipline. The nearly inevitable result of the grievance will be an ultimate reduction in the discipline. Rather than discouraging appeals, this practice fomented grievances that have no substantial basis. A persistent employee with a smart union representative can game the system. The punishment one ultimately gets results more from who is best at playing the game, not from a fair and evenhanded approach. No matter how well an investigation is conducted and how carefully a verdict is reached, the disciplinary system is a failure if it does not result in evenhanded, predictable, uniform, and fair punishment. Judged from the perspective of 101 unit level investigations that we studied, the LASD needs to improve how justice is meted out. The disciplinary process does not yet appear uniform, predictable, and fair to all officers.

Not all of the shortcomings, however, are the fault of the LASD. Circumstances beyond the control of the Department constrain the ability of the chain of command to avoid excessive deal making. One of those factors is the dogged persistence of the deputies' union, ALADS, in challenging and appealing discipline. Although it certainly is an employee's right to challenge discipline, and it is the union's job to represent the employee vigorously, the pressures brought to bear on the LASD by the grievance process seem to swamp the Department. Those stresses produce pressure to settle grievances rather than engage in protracted proceedings. A second factor is the Civil Service Commission. Many on the management side of the LASD complain bitterly about a perceived lack of justice, fairness, and predictability from the Commission and its hearing officers. We heard these complaints 15 years ago and are still hearing them today. Wherever the truth of the matter might lie, there is no question that fear of the Civil Service Commission brings about settlements and compromises that otherwise would not take place.

At the same time, it is easy to exaggerate the impact of Civil Service. Only terminations, promotions, and long suspensions of six days or more are heard

by Civil Service. The average discipline imposed on unit level investigations that we reviewed is 4.2 days. That is below the threshold for appealing to the Civil Service Commission. Accordingly, in the cases we reviewed at six stations, only a little less than 10 percent of unit level investigations involved initial discipline serious enough to meet the Civil Service Commission's jurisdictional minimums. It is also possible that management in the LASD may not be as dogged and persistent in defending discipline as ALADS is in attacking it.

Considering all discipline imposed on officers involved in the 101 unit level investigations we reviewed, a combined total of 105 days of suspension went unserved, leaving 188 total days of originally recommended suspension upheld. Another 71 of these remaining 188 days, however, were held in abeyance per settlement agreements. On average, the grievance process reduced the number of suspension days actually served by an officer by some 2.54 days. (Again, the average discipline imposed, prior to any reductions, is 4.2 days.)

It is certainly within the discretion of a supervisor to determine whether he or she is going to be lenient, strict, or somewhere "in the middle" in the imposition of discipline. Accordingly, it is not our place to second-guess the outcomes if they are within the realm of reason and a convincing rationale is provided. It is, however, within our responsibility to point out if excessive deal making eventually undermines the overall integrity of the systems of unit level investigation and discipline. We conclude it does.

## *I. Scope of Investigation*

Our goal for this report was to review a significant sample of all unit level investigations initiated at patrol stations by the LASD in 2005. There were 541 unit level investigations in the Department. Of these, 249 arose from the LASD's 23 patrol stations. We reviewed 101 investigations of the 249, or 41 percent of all unit level investigations generated from patrol stations.

The 101 unit level investigations arose from the following six stations, or two stations from each of the three Field Operations Regions:

*Field Operations Region (FOR) I*

- Palmdale (10 investigations)
- Santa Clarita (11)

*FOR II*

- Century (22)
- Compton (26)

*FOR III*

- Lakewood (24)
- Pico Rivera (8)

We selected these six stations after a review of general statistics on citizen's complaints (Service Comment Reports or SCRs) and unit level investigations throughout the LASD. Within a given station, we reviewed every unit level investigation initiated in 2005.

The majority of cases, 80 percent, involved the conduct of a single officer. For those investigations involving multiple officers, we reviewed the investigations and adjudications relating to each implicated employee. The 101 cases involved 127 employee investigations.

Cases selected for formal unit level investigations may arise from an external citizen's complaint, via an SCR, or from an internal complaint, from within the Department. For all unit level investigations in 2005, approximately 85 percent arose from an internal complaint, and 15 percent from an SCR. As a group, the six stations whose files we reviewed had a higher proportion—about 26 percent—of cases that had been generated by an SCR. Investigations arising from citizen's complaints were almost uniformly given the same careful attention and thorough investigation as those that did not.

## *II. Overview of the Unit Level Investigation Process*

### **A. Scope of Unit level Investigations**

A unit level investigation is a formal, administrative investigation that can result in discipline ranging from a written reprimand to a 30-day suspension or reduction in rank. Not all alleged misconduct, however, is addressed through unit level investigations. Several categories must be investigated directly by the Internal Affairs Bureau (IAB), including violations of the Department's "Policy of Equality," such as allegations of sexual harassment, racial or gender discrimination, or creating a hostile work environment, as well as cases involving domestic or workplace violence. IAB also handles or conducts administrative investigations of those cases which, if founded, would result in discharge. Examples of such cases include serious uses of excessive force, theft, perjury, falsification of official documents, fraternization with an inmate, use of illegal drugs or narcotics, and conviction of a felony. If, during the course of a unit level investigation, it becomes apparent that discharge of the employee is a possibility, the case should be transferred to IAB for investigation.

IAB may, upon request from the Division Chief, also conduct investigations involving a supervisor or allegations that are too complex or high-profile to be handled at the unit level. For example, a case involving significant media attention, deputies from several different units, or witnesses spread across a broad geographic area might be deemed best handled by IAB. However, no "bright line" rule exists to identify or differentiate these cases; the discretion of individuals within the Department forms the basis for a case being handled by IAB rather than at the unit level.

Those violations that are criminal in nature are investigated by the Internal Criminal Investigations Bureau (ICIB)—or relevant outside law enforcement agency, depending on the jurisdiction—to determine whether the case will be

brought to the District Attorney for criminal filing. IAB monitors the criminal case and may subsequently conduct an administrative investigation to gather evidence for possible Department action. In cases where the criminal charge is a misdemeanor and would not result in discharge, such as a DUI, or where the case is found by ICIB to be weak, the case may also be returned to the unit for a unit level investigation. The administrative investigation can be broader in scope than a criminal investigation and looks at violations of any Department policy, procedure, or rule, rather than actual or potential criminal behavior.

Once the captain has decided to initiate a unit level investigation, he or she ensures that basic information is entered into the Preliminary Data Entry (PDE) module. IAB supplies an identification number and a disciplinary history for the individual being investigated. A supervisor at the station, usually a lieutenant, will then conduct the factual investigation and, at its conclusion, draft a summary that discusses the factual investigation. A separate disposition sheet inventories the various mitigating or aggravating factors that the unit commander should consider.

An investigation encompasses one or more specific charges, allegations, or categories of policy violation. Each violation corresponds to a discrete disciplinary range in the LASD disciplinary guidelines, colloquially called the “bail schedule.” Some of the categories in the bail schedule are narrow in scope. For example, an allegation that an officer misplaced a wallet of an individual during a traffic stop would be classified as a potential violation of LASD policy regarding “safeguarding money, property, and evidence.” Other categories are broad and can be treated as “catch-alls.” Violation of LASD policy requiring that officers “perform to standards” can, at least theoretically, involve misconduct ranging from incompetence or poor performance to excessive force.<sup>1</sup>

<sup>1</sup> It is sometimes the case that this and other similarly vague categories will be offered by the LASD in lieu of more specific but harsher categories, with more specific and serious discipline ranges, such as “excessive force” or “discrimination” as a concession during the bargaining process as a means of settling the case.

## **B. Initial Adjudication and Discipline Imposition**

The unit commander reviews the investigative summary and file before determining whether the allegations are founded and, if necessary, the level of discipline that should be imposed. Individual allegations investigated of the unit level may be adjudicated or disposed of in the following ways:

- “exonerated,” in cases where the allegation is proven by “clear and convincing evidence” to be demonstrably false or in cases where the allegation, if true, would not constitute a violation of Department policy;
- “founded,” in cases where the allegation is determined by the preponderance of evidence to be true;
- “unfounded,” in cases where the preponderance of the evidence fails to demonstrate the allegation to be true, and
- “unresolved,” in cases where the investigation cannot resolve conflicting factual accounts or encounters major investigative difficulties. For example, in one of the cases reviewed, an investigation into damage to a patrol vehicle could not determine, given a pair of deputies’ failure to inspect and document damage to the vehicle before using it, who had caused the damage, leaving charges relating to causing the damage adjudicated as “unresolved.”

Each specific allegation in a given investigation must be adjudicated. For example, in one unit level investigation, the subject officer’s alleged misconduct in responding to a hit-and-run accident fell into three separate possible policy violations: derogatory language, false statements, and performance to standards. In that particular instance, the allegations involving derogatory language and false statements were adjudicated as “unresolved,” while the allegation involving performance to standards was held to be “founded.”



Each founded violation of LASD policy carries with it a specific recommended disciplinary range in the Department's disciplinary guidelines.

For example, use of derogatory language may result in discipline ranging from a written reprimand—essentially a formal letter from the captain to the subject of the investigation admonishing the subject for particular behavior—to a suspension of ten days. Making false statements carries a discipline range of ten days to discharge. A violation of performance to standards, where the discipline range is the broadest, can result in anything from a written reprimand to a discharge.

Because the discipline guidelines in almost all instances involve a range, unit commanders (usually captains) use mitigating and aggravating circumstances to determine and justify a specific discipline within the prescribed range. Circumstances that were aggravating or mitigating factors included an officer's intent, past performance, degree of culpability, disciplinary history, truthfulness, acceptance of responsibility, cooperation with the investigation, the severity of the infraction, and consideration of potential liability or impact on public perception of the Department.

Any of these circumstances or factors can, at least in theory, then, serve as either mitigating or aggravating factors depending on the fact pattern that an investigator uncovers. (For example, the extent to which an officer accepts responsibility might be a mitigating factor if the officer acknowledges blame throughout the investigation while it might be an aggravating factor if the officer gives excuses or insists that his or her actions were the fault of someone or something else throughout the investigation).

After considering aggravating and mitigating circumstances, the captain or unit commander makes a specific discipline recommendation. The Department informs the officer of the discipline recommendation via a formal "letter of intent to discipline," which includes both the type of discipline imposed (for unit level investigations, generally a suspension or a written reprimand) and,

for suspensions, the number of suspension days imposed. After receiving the letter of intent, sworn officers and civilian personnel have ten days, according to the procedures codified in separate Memoranda of Understanding (commonly referred to as “MOUs”) between officers’ and personnel unions and the Department, within which they can elect to initiate a formal grievance process to “appeal” the discipline. We discuss this process in detail below. (See “IV. The Disciplinary System”).

The ultimate, post-grievance disposition and discipline served are logged into the LASD’s risk management database, the Personnel Performance Index, or PPI, which also logs uses of force, administrative investigations, commendations, and other necessary data for research into departmental trends and the historical conduct of specific deputies.

### *III. Investigations*

#### **A. The Quality of Investigations**

Unit level investigations were, in almost all instances, precise, thorough, and impartial. Three investigations in particular stood out for their thoroughness, willingness to consider additional allegations discovered during the course of an investigation, and the clarity of the reasoning and rationale.

- One case involved an officer’s failure to accurately document a hit-and-run traffic collision, failure to collect potential evidence at the scene, and failure to turn in a completed report on the incident for approximately 40 days. Despite the deputy’s acknowledgement of having “screwed up,” the investigators conducted a random audit of the deputy’s patrol log, which uncovered another serious issue, a failure to respond in a timely manner to a burglary call. The disposition sheet carefully and properly also considered the deputy’s comparatively long history of formal discipline. The captain imposed a suspension of ten days, which the deputy served in full.

- In a case in which an officer was accused of failing to take appropriate action at the scene of a burglary—despite obvious damage to a building’s door and the owner of the building informing the involved deputy that “his business had been burglarized at least twice in the past”—investigators completely and impartially considered the claims of both the owner and the involved deputy. The investigator reported that, while the officer insisted that the building’s owner was “content” with the deputy making a log entry rather than submitting a formal report, the owner had indeed wanted the deputy to write a crime report. The investigator indicated that the officer could and should have written such a report and, by not doing so, had failed to perform to standards. The captain imposed a suspension of three days, which the deputy served in full.
- Another investigation focused on an individual alleged to have been keeping evidence under her desk. During a routine rodent inspection at a station, “nine pieces of evidence dating back to 2001 and 2002 were discovered inside a cardboard box that was stored underneath” the subject’s desk. A bag containing the subject’s own grey hooded sweat-shirt “was also mixed in with the evidence.” The investigation thoroughly documented what evidence was involved and the extent to which the officer’s behavior violated both evidence handling policy and obedience of laws. The non-sworn employee served the whole of three days of suspension recommended.

Investigators pursued all relevant leads and took pains to contact and thoroughly interview involved parties and witnesses, going to great lengths to attempt to verify or corroborate the relative validity of their claims.

- In one case, the investigators considered the conduct of an officer who was alleged to have pointed his gun with laser sight at a crowd of partygoers; pushed multiple partygoers; used profanity; and unlawfully entered

private property without cause, warrant, or permission. The investigators devoted substantial energy and time to finding and interviewing some seventeen individuals who were present at the party, with the investigative summary exhaustively detailing the differences among the accounts of the officers' behavior by these seventeen partygoers. For instance, witnesses described the deputy's alleged push of a female partygoer as "an extended arm with the back of his hand," as "an open hand to the shoulder," as "an arm thrown to the chest," as "with one hand on the shoulder," as "a forearm to the chest," and "as with both arms on her chest." Another partygoer, however, "reported he did not see a push," and a separate individual did not know if a deputy "had hit or pushed" the woman at all. The implicated deputy denied making any physical contact with the woman, and another deputy at the scene did not see the deputy push the woman. Ultimately, the charge of violation of policy on unreasonable force was, due to the divergent accounts, deemed "unresolved." However, for another charge that the involved deputy had violated policy relating to Performance to Standards by "point[ing] his gun at a crowd of partygoers without sufficient threat and as an impermissible show of force," the witness statements, along with recordings of radio traffic and digital photos, proved critical in determining these allegations to be "founded." The involved deputy was ultimately recommended to receive four days of suspension for this violation, as well as for violating Department policy regarding Conduct Toward Others by using profanity. After the grievance process, he ultimately served three days of the suspension.

- An SCR investigation for use of force, alleging that the involved deputy "forced [the complainant's] arm behind his back in a control hold and caused injury to his arm," led to a unit level investigation for violation of use of force reporting and review procedures. During the SCR

investigation, “several attempts” were made “to contact the Complainant at the home and work numbers he gave when he filed the complaint,” but “no return call was ever received.” A formal “10-day letter” was sent to the complainant, at the address he supplied, advising him to contact the Department or his complaint would become inactive. The complainant failed to do so, but a unit level investigation was subsequently initiated regarding the complainant’s allegation. The investigator once again attempted to contact the complainant by phone but was unable to make contact. The investigator interviewed the manager of the location of the incident, who said that he did not know the complainant. A detective then went to the address that the complainant had provided as his home address on the original SCR form, finding that it did not exist. The investigator subsequently ran a DMV check of the complainant, revealing a different home address “in the vicinity of the location where the disturbance was reported” to which the investigator dispatched a sergeant who finally made contact with the complainant there. The complainant, in turn, contacted the investigator and was interviewed—six months after the opening of the unit level investigation. The investigation was ultimately adjudicated as “unresolved,” as the complainant was unable to produce clear documentation of his injuries or any treatment that he had received for them.

- A deputy responded to a call made by the ex-wife of a man attempting to commit suicide. After responding to the motel room of the potentially suicidal subject, the involved deputy concluded, after talking to the man and his brother, who was on the phone with the man when the deputy entered, that the man “was in severe back pain” but “did not intend to kill himself.” After being taken to and treated at the local hospital, the subject went back to his motel. The cleaning staff found the man the next day dead in the bathroom; the coroner confirmed the cause of death

as suicide by intentional over-ingestion of medication. The investigator interviewed several witnesses, including: the five deputies who assisted the involved deputy with the possible suicide call, the lieutenant who was the involved deputy's supervisor, the wife of the suicidal man who had initially called the police, and the brother of the suicidal man who was on the phone with him when the involved deputy arrived in the motel room. The disposition sheet stated that "based on all the information present that night, there is nothing indicating that [the deputy's] conclusion not to detain [the suicidal man]...was a violation of policy. In fact, all witness interviews support this decision."

The prepared investigative summaries were thorough, accurate, and offered a readable and credible synopsis of the case and investigation.

## **B. Documentation of Investigations**

In nearly all files we reviewed, unit level investigations were exhaustively documented, with pertinent supporting evidence both carefully and systematically included in the file.

## **C. Disposition of Investigations**

With the exception of six cases, discussed in detail in the following sections, original adjudications in the 95 remaining cases—those reached prior to any changes made during the grievance process—appeared reasonable. Approximately 95 percent of both overall investigations and of the individual allegations of officers implicated in those cases received reasonable adjudications.<sup>2</sup>

### *1. Founded adjudications*

At least one allegation in 81 percent of the 101 cases considered was

<sup>2</sup> These statistics do not include those cases that were, at any point, inactivated, as inactivated cases do not, strictly speaking, receive a proper disposition.

originally judged “founded.” In other words, most officers across all cases had at least some charge brought against them adjudicated as founded.

Cases that were initiated externally, through the SCR process, had a slightly higher proportion of founded adjudications (85 percent) than did those that were initiated internally (79 percent). We deem this important because it tends to refute a perception that citizens’ complaints are less often sustained after formal investigation than are internally generated complaints.

A majority of involved officers in unit level investigations were recommended to receive a suspension without pay (73 percent), with about one-quarter of disciplined officers receiving a written reprimand (25 percent). One founded investigation of a non-sworn staff member—a station clerk who fired an unauthorized weapon into the dirt outside her home—resulted directly in a discharge because the involved staff member was on probation when the incident occurred. Another individual was recommended to be removed from her bonus status.

## *2. Unfounded adjudications*

Seven of the cases that we examined involved subject adjudications of “unfounded.”<sup>3</sup>

Three cases involved proper “unfounded” subject adjudications:

- One case that was adjudicated “unfounded” focused on whether deputies “employed unsafe tactics in the apprehension of a felony suspect... believed to be armed with a handgun.” The deputies received a call that a male suspect had pointed a gun at an individual and that the suspect was fleeing in his vehicle. The deputies “initiated a vehicle pursuit after the suspect failed to yield to the deputies’ red lights and siren.”

<sup>3</sup> The following sections discussing “unfounded” and “unresolved” adjudications consider those cases in which an officer’s “subject disposition” within the PPI is “unfounded” or “unresolved,” not all cases where a single charge happened to be adjudicated “unfounded” or “unresolved” while other charges received more serious adjudication that made the officer’s overall subject disposition more serious within the PPI.

The suspect subsequently “collided into approximately seven (7) different parked vehicles,” with the vehicle pursuit concluding “when the suspect collided into a fire hydrant...[and] into a chain link fence” and “the vehicle became disabled.” The suspect then “exited the vehicle and fled on foot,” with the deputies giving chase, “followed the suspect into a trailer park,” and “grabbed the suspect’s left leg and pulled him from underneath” a truck that he had crawled underneath “in an apparent attempt to evade arrest.” The investigation, however, “revealed that the suspect had not had the opportunity to totally conceal himself under the truck” when the deputies located him. Because “the suspect was on his hands and knees in the process of crawling under the truck, which actually put the suspect at a disadvantage,” the deputies had employed proper tactics and responsibly acted to apprehend the suspect as quickly as possible in a high-density residential area.

- An investigation into whether an involved deputy stole \$1,000 from a suspect during the course of a detention and arrest was adjudicated “unfounded.” In the case, the deputy said that he “experienced a serious urgency to urinate during a detention of a felony suspect.” While “he initially decided to urinate behind the gas station, in the alley way,” the deputy “changed his mind and chose to cross the street and use the restroom of a nearby business.” When the deputy returned, the detained suspect accused the deputy of stealing the money. Given that the District Attorney declined to file a criminal case against the deputy and an exhaustive ICIB investigation did not find evidence to support allegations of theft, an “unfounded” disposition was likely appropriate. (A case is generally referred back for unit level investigation when the case is not serious enough or is comparatively weak; in this case, the weakness of the case against the officer set the occasion for the case being sent back for unit level inquiry).



- In the previously discussed case involving allegations that an officer had pointed a gun without cause at a group of partygoers, two secondary officers at the location correctly received adjudications of “unfounded”—for charges of improper entry onto private grounds without warrant, permission, or cause and failure to properly address a citizen’s complaint, respectively—while allegations of misconduct against the primary officer who pointed the gun were considered “founded.”

One case was properly adjudicated but improperly classified within the PPI. It involved two allegations against a single officer. One of the allegations was “unfounded” and the other was “unresolved.” According to rules governing the PPI, the adjudication of “unresolved” dictated that the case be classified as such in the PPI. Instead, it was wrongly classified as “unfounded.”

We identified two cases in which “unfounded” adjudications were problematic.

- A deputy was accused of having “behaved in a rude, disrespectful, [and] even hostile manner” toward a Custody Assistant by displaying “an unpleasant and derogatory look on his face coupled with signs of impatience.” During the investigation, however, “it was revealed that both of the involved employees’ conduct towards each other could have been better.” The disposition sheet suggested that no discipline be imposed, and the case was adjudicated by the unit captain as “unfounded.” The case was improperly adjudicated because the conclusion that the employee’s conduct “should have been better” clearly implies that the underlying allegations were founded. It may be that the captain mistakenly thought that if an allegation was founded, discipline had to be imposed. While a “founded” adjudication generally leads to a formal discipline, it is not necessary that it do so. As confirmed by IAB and the Employee Relations Unit, a captain may adjudicate a case as “founded” while

recommending a non-disciplinary action, such as a Performance Log entry, counseling, or training.<sup>4</sup>

- A deputy failed to correct an arrest report that stated “unable to locate driver” when the report should have said “unable to verify owner” of a car. The involved deputy admitted that the report should have been corrected. The allegation that the deputy had failed to perform to standards was adjudicated as “unfounded.” Because of the admission, the allegation should have been “founded.” Again, perhaps the captain did not want to impose discipline and mistakenly thought that to do so, the allegation had to be “unfounded.”

### *3. Unresolved adjudications*

Seven cases involved officer adjudications of “unresolved.” In four instances, these decisions were reasonable, reflecting a legitimate inability to resolve whether the involved officer violated Department policy. In three instances, another disposition would have been more appropriate.

- A deputy who made some errors in releasing an impounded vehicle had apparently done so on the advice of a lawyer in the District Attorney’s Office. A unit level investigation of the deputy’s actions adjudicated them as “unresolved.” If the deputy indeed had given a true and accurate account to the lawyer and then acted upon specific advice of counsel, the adjudication should have been “exonerated.”
- A citizen complained that a deputy had injured his arm. The deputy denied the allegation. The complainant ultimately was tracked down

<sup>4</sup> According to the LASD’s Manual, the Performance Log contains “interim supervisory notations about employee performance during a given rating period...Performance log documentation may be referred to in the employee’s current performance evaluation, after which all the past rating period’s notations shall be removed from the log...” It also notes that: “Expired documentation is to be maintained at the Unit until the evaluation process is complete, and shall then be destroyed.”

through substantial investigative work over the course of more than six months. The complainant could not provide the names and phone numbers of witnesses who he claimed would corroborate his story, nor did he provide, as the investigator requested on multiple occasions, medical records for treatment of the injury allegedly caused by the deputy. Given conflicting fact patterns, the case was deemed “unresolved.” In light of the complainant’s inability to produce witnesses or any tangible evidence of his claims and injuries, the captain may have been better advised to make a credibility determination and deem the matter “unfounded” rather than leaving the matter “unresolved.”

- A deputy responded to a potentially suicidal man at a motel who, upon treatment and release, returned to the hotel and committed suicide. Although the investigative summary notes that “there is nothing indicating that [the deputy’s] conclusion not to detain [the suicidal man] was a violation of policy” and recommends no discipline, the ultimate disposition that the captain recommended and is reflected as the disposition within the PPI is “unresolved.” Given that the investigative summary identifies no clear violation of policy, the case likely should have been adjudicated “exonerated.”

#### *4. Inactivated cases*

Investigations of eleven separate officers, in nine discrete cases, were inactivated by request of the division chief to IAB. Inactivation of an investigation occurs when continuing them becomes, according to the Administrative Investigations Handbook, “pointless.”<sup>5</sup> For example, the Division Chief may request inactivation when the involved employee resigns, when it is discovered that the conduct under investigation is clearly not in

<sup>5</sup> Administrative Handbook, 1999, pg. 31

violation of a Department policy, or the original complainant withdraws the complaint or refuses to cooperate. However, inactivation should not be automatic in these cases. The Handbook notes that “[i]n most circumstances, it is in the best interest of the Department to continue an investigation regardless of whether or not the subject resigns or retires and/or the complainant withdraws their complaint. These circumstances would include any case wherein the incident or subject’s actions may result in some future liability for the Department.”<sup>6</sup> A finding of “unfounded,” “exonerated,” or “unresolved” is, therefore, preferable to an inactivation.

Despite the language discouraging inactivation, we nonetheless recommend that these provisions of the Administrative Handbook be struck. We strongly disagree with inactivation of any case where a deputy resigns or retires in exchange for dropping the investigation. The recent exposé about the Maywood Police Department filling its ranks with other departments’ bad apples is reason enough.<sup>7</sup>

We also disagree with inactivating cases where the complainant withdraws the complaint. First, it should be determined whether the complaint was withdrawn completely voluntarily or whether there was duress or pressure from any source on the complainant to do so. Second, even if completely voluntary, the case should be investigated and adjudicated as unfounded if there are indeed no facts to support the claim. Finally, if the deputy’s actions were clearly in policy, the disposition should be “exonerated.” The only proper use of inactivation is for clearly duplicate investigations involving identical claims against identical officers. In such instances, it is appropriate to deactivate one investigation as long as the other proceeds to a proper disposition.

Two investigations, involving one deputy each, were properly inactivated because the specific investigations were discovered to be duplicates of other

6 Administrative Handbook, 1999, pg. 32

7 *Los Angeles Times*, Matt Lait and Scott Glover, “Maywood Hires Police with Past Troubles,” April 1, 2007.

investigations already opened. In each instance, the duplicate investigation was inactivated, while the original investigation was continued to conclusion.

- An investigation of a deputy at the Compton station was inactivated because two unit level investigations were inadvertently requested for the same incident; one of the two cases was inactivated, with the other investigated to completion.
- Another investigation at Lakewood was inactivated because it was an inadvertent duplicate of another investigation.

In two cases, each involving only one officer, the unit level investigation file contained entirely inadequate and incomplete information about the nature of the violation and investigation that was being inactivated. We recommend that a complete and thorough explanation for why an investigation is inactivated be required to be included in a unit level investigation file before the case is formally inactivated and entered as such into the PPI.

- An investigation of a deputy alleged to have violated Department policy on Obedience to Rules and Regulations was inactivated because the deputy was “currently off on medical leave and the alleged violation was related to his injury status.” Because he was being transferred into the pool of “long-term absence,” the investigator believed “it would be in the best interest of the employee and the Department to inactivate the unit level investigation.” The two-page file contained no explanation of the alleged violation or the circumstances surrounding it and offered no evidence of investigation. The rationale given was inadequate on its face. Because an officer is going to be absent for a long time due to an injury is reason to speed up an investigation and conclude it rather than deactivating it.
- An investigation was closed at the Santa Clarita station “due to a change in the Department’s Manual of Policy and Procedures in 2005, which allows

for shooting a remedial qualification as a substitute for discipline.” The unit level investigative file contains no reference to or explanation of the alleged violations of policy that formed the original basis for the terminated investigation. Even if policy has changed to make administratively lawful what was not sanctioned previously, the conduct may not have been improper at the time and the case should have proceeded to a founded disposition. The change in policy should have been used to mitigate discipline, not to deactivate the case.

Two investigations, involving four officers in total (or two officers per case), were inactivated due to an inappropriate determination that the behavior of deputies failed to rise to a level of seriousness necessary for a unit level investigation.

- An investigation of two deputies was inactivated because, “upon completion of the investigation, it was determined that the offense did not rise to the level of warranting an administrative investigation.” Instead, the policy violation was “handled with a Performance Log Entry.” The Region Commander “concurr[ed] with the inactivation of the administrative investigation.” The case involved two deputies who, after approaching suspects drinking beer in an alley, engaged a fleeing suspect on foot. They were held to have violated the LASD’s pursuit policy because they failed to broadcast that they were in foot pursuit. The allegations should have been founded. Inactivation was highly inappropriate.
- An investigation into whether deputies had properly secured evidence was inactivated when an investigation noted that the deputies “did in fact securely store the evidence behind a locked door” and had taken other reasonable steps to identify the evidence as such. While the deputies were “advised [that] in the future” they should “notify” others “if they have a large item” of evidence for storage, which they had failed to do in this

instance, the investigation was inactivated for failing to rise to the level of a unit level investigation. The matter was clearly capable of adjudication. Deactivation was highly improper.

Investigations of two officers were inactivated because they were not completed within the timeframe of one year for punitive action dictated by Government Code 3304, known as the Peace Officers' Bill of Rights. The files in both cases provided no explanation for why the investigations were not completed in a timely fashion. We also question whether inactivation is the proper remedy. Because Government Code 3304 only bars use of out-of-statute investigations for punitive action or denial of promotion, one could reasonably argue that the investigation nonetheless should proceed to adjudication even if it is too late to impose discipline. We believe this is a better result, even though we recognize that the PPI will continue to note the case as having been "inactivated."

- One investigation considered whether a lieutenant "failed to recognize a moving containment as a foot pursuit and failed to properly document the foot pursuit by completing" the standard evaluation form. As the watch commander during a foot pursuit incident, the lieutenant incorrectly considered a deputy's pursuit of a suspect as a "moving containment" rather than a foot pursuit, which resulted in the failure to complete the proper paperwork regarding the pursuit after the fact. The investigation of this lieutenant was not properly completed within a year and was, according to the PPI, inactivated. No reasons were given for the delay in the investigation.
- An investigation at the Century station focused on improper use of force in a case where the suspect appeared to have a rock of cocaine in his mouth. A deputy, "believing that the suspect was attempting to swallow evidence...placed his thumb and forefinger under the suspect's Adam's

apple in an effort to prevent him from swallowing the object.” That method was not approved by the Department and hence it was held out of policy. It took eight months to conclude the use of force review. The unit level investigation was not opened for an additional five months. The investigation was completed more than 15 months after the incident in question occurred. The new captain at the station believed he had no choice but to inactivate the case even though the allegation of improper force had been founded.

One case was inactivated as a result of the grievance process. The change from “founded” to “inactivated” was grossly inappropriate.

- An officer was accused of operating her own fast food business “while on duty and in uniform.” The assigned investigator noted that the deputy had indeed “conducted personal business during her normal work day as a Deputy Sheriff,” and, in doing so, had violated several Department policies, including: misuse of the subject’s Department vehicle for personal use, severe violation of Performance to Standards because “her time was not devoted to the service of the County of Los Angeles and the Department,” and failure to submit a “Request for Outside Employment” form to the Department. As a result of these charges being adjudicated as founded, the deputy was recommended to receive as discipline “removal from Bonus 1,” or a removal from her position as Court Deputy.

The deputy ultimately grieved the case to the Review Board (consisting of the division chief and area commander), to which she apparently “submitted a request to voluntarily relinquish her bonus position” and receive a transfer. Her request, which we were unable to evaluate as it was not included in the file, was granted, and the adjudication in the case was changed from “founded” to “inactivated.” The change was highly inappropriate and should not have been countenanced.



#### *IV. The Disciplinary System*

As mentioned in the introduction to this chapter, the net of the disciplinary process is that there are several ways in which initial discipline recommended by a supervisor can be lessened, or avoided, along the way. As the system is now structured, a potential grievant has nothing to lose and everything to gain by seeking to overturn or diminish discipline. In this sense, the disciplinary system has its incentives and disincentives reversed.

After a captain has decided what discipline to impose, the involved officer is notified via “letter of intent to discipline.” Sworn officers have ten days within which they can trigger the formal grievance process. They are nonetheless encouraged to meet informally with their captain to see if the matter can be resolved without the invocation of formal grievance procedures. We found that in 15 of 95 cases (16 percent), adjudications were changed by the captain via a settlement agreement as a result of an informal meeting. In all cases, the change was favorable to the grievant.

Failing a resolution from this informal encounter, the grievance process continues along two paths depending on the severity of the discipline initially imposed. If an officer elects not to meet informally with the captain or commander or is dissatisfied with such a meeting, that officer can initiate the formal grievance process by completing an SHD Form 465, the “grievance form,” that can be filed either by the officer personally or by the union to which the officer belongs. Should an officer seek union representation throughout the process, a notification is filed at or very near the beginning of the grievance process.

For any officer whose potential discipline is a discharge or demotion, or who has been suspended pending criminal charges, the officer, by law, is entitled to a Skelly hearing conducted by the Division Chief. If the involved officer is dissatisfied following the Skelly hearing, the matter proceeds directly to the Civil Service Commission.

In all other instances involving sworn officers, the first step in the grievance process is a hearing before a third-level supervisor, most often the captain who imposed the discipline initially.<sup>8</sup> The third-level supervisor may consider new facts or evidence and change the adjudication or discipline if warranted. Any modifications must be formally set forth in a settlement agreement. Otherwise, the original adjudication and discipline stand, and a dissatisfied grievant can appeal to a Review Board comprised of the division chief, area commander, and, should the involved officer choose to have them, two peer officers who are uninvolved in the matter being grieved and of equal or greater rank.

The Review Board considers the case *de novo* and generally hears from the involved officer or the officer's union representative. The Review Board may receive new evidence or facts and remand the case to the original investigator for additional investigation, if warranted. After considering the case, the Board can affirm the result below, change it, or negotiate a settlement agreement with the grievant.

If dissatisfied with the Review Board's decision, the officer can grieve the case further, though discipline is imposed and served even while an appeal to arbitration or the Civil Service Commission is pending. Any subsequent charges or reductions in discipline or suspension are retroactively credited. The proper body to hear the further appeal depends upon the length of the suspension. Cases involving discipline of five days or less proceed to binding arbitration before the Employee Relations Committee (ERCOM). The parties select an arbitrator by mutual agreement; if they cannot do so, the parties are provided with five names, with each side alternately striking a name until one remains. The arbitrator hears the matter and issues a binding decision.<sup>9</sup>

<sup>8</sup> For sworn officers, the last time that the "Memorandum of Understanding" outlining the grievance process was negotiated was 1997. This most recent renegotiation eliminated appeal to an immediate supervisor, which had previously been the first formal step of the grievance process.

<sup>9</sup> An arbitrator's ruling would not be binding only if it required some legislative action by the County Board of Supervisors that ultimately did not occur within sixty days subsequent to the arbitrator's decision.

None of the investigations that we reviewed for this report proceeded to arbitration.

If the case involves a suspension of six or more days, discharge, or demotion, the Civil Service Commission next hears the matter. The five-person Civil Service Commission first decides whether there are grounds for a hearing at all. Once it finds that the grievance can be heard, both parties select a hearing officer (with each side striking one name each from a list of three and the last remaining name on the list serving as hearing officer). A trial-like hearing proceeds, with the case considered *de novo* and with no deference or presumption of correctness to the earlier decisions of the third-level supervisor or Review Board. The hearing officer issues a report with a recommendation for the Commission, which reaches a final decision and issues an order. If, after the Commission has issued its decision, the involved officer is still dissatisfied, the officer may appeal to the Superior Court. None of the investigations that we reviewed for this report proceeded to Civil Service.

Although the unit level investigative files themselves incidentally may contain some information about what occurred during the grievance process to justify a modification of discipline, the Employee Relations Unit maintains the official file documenting the history of every unit level investigation grieved. We examined the grievance files for each unit level investigation in order to understand as completely as possible the intermediate and final disciplinary decisions and their reasoning.

A grievance can be settled at any stage of the review and appeal process. Such settlements are subsequently memorialized in a formal “settlement agreement” that both the LASD and the involved officer sign. A “settlement agreement” essentially serves as the formal means of changing discipline at any time after a captain has made an initial discipline imposition; in it, the involved officer explicitly agrees to relinquish the ability to grieve the case

further. This “settlement agreement” can reduce the number of suspension days assigned to an officer and can dictate that a certain number of suspension days be “held in abeyance” contingent on the employee’s future good conduct for a specified period of time (usually 12 months, although some agreements have held days in abeyance for 18 or even 24 months).

Future good conduct means that the officer is not the subject of a founded administrative investigation related to the present offense during a specified period. If the officer performs in accordance with the settlement agreement, the officer ultimately does not serve the days held in abeyance. Conversely, if similar charges are founded during that time, the days held in abeyance are reinstated and served. Whether charges are related is determined on a case-by-case basis; violation of comparatively broader charges, such as Performance to Standards, gives the Department more discretion to find similarity between investigations and offenses than for more specific charges, such as a code 3 violation. Discipline imposition is monitored to ensure that days previously held in abeyance are served when warranted.

We now turn to the ways in which the adjudication and the discipline can be modified during the review and appeal process.

## **A. Changing the Adjudication**

In five cases a “founded” adjudication was overturned during the review and appeal process. In one instance, the change in adjudication was appropriate: The Review Board, during the formal grievance process, conducted a careful and thorough analysis of new facts before changing the adjudication to “unfounded.” The case involved a lieutenant who had grieved a finding that he was responsible for improper control of a vehicular pursuit.

On the other four occasions, the change of adjudication was troubling, as the change was not tied to any additional information, facts, or analysis. Instead, the adjudications appeared merely to be negotiable items during the grievance process rather than reflecting new factual determinations.

- A finding that a deputy improperly gave his radio car key to a civilian participating in a volunteer ride-along program—who stole the radio car, threatened to commit suicide with a shotgun, and triggered a 30-minute pursuit—was overturned and changed to “unfounded.” This change occurred despite the investigator observing that “by his actions the subject created a situation where the suspect stole his radio care and lead (sic) deputies on a high speed pursuit. The actions of the suspect place himself, deputy personnel, officer’s (sic) from neighboring jurisdiction (sic) and the public in harms (sic) way.” Further, the investigator noted that “the subject’s actions... represent a clear unfamiliarity of Department policy.” The deputy filed a grievance challenging the two-day suspension that the captain originally imposed. At the conclusion of the first level review, the captain rescinded the suspension, offering only the following justification on the primary grievance form: “After thorough review of the presented facts, I have determined that [the] Deputy...did not violate any Department policies. More specifically, all Department policy violations noted on this case should be deemed ‘unfounded.’” Given this inadequate justification, the investigator’s previous contentions that the deputy’s “unfamiliarity with Department policy” had the ultimate effect of “put[ting] officers and the public in danger,” and the lack of new evidence, there was no convincing reason why the charges should not have remained “founded,” with the deputy receiving discipline.
- A pair of deputies, one working as a driver in a patrol car and the other in the bookman position, was alleged to have improperly initiated a pursuit that was out of policy and “failed to cancel a pursuit” that “should have [been] recognized as out of policy.” The pursuit, which “lasted 27 seconds and covered 4/10 of a mile” began after the deputies “saw 3 gang members” driving and made a U-turn “to follow the suspect’s car and run a check on its... license plate.” The suspect vehicle then “drove against

opposing traffic, failed to stop for stop signs, and drove on the sidewalk,” ultimately crossing a center median and “skidding” into a curb. While “there were no injuries, collisions, or force used as a result of this pursuit,” the investigation concluded that the deputies should never have initiated the pursuit and, even after they did, should have terminated it well before they did. The bookman received five days of suspension and the driver received three days. At the first review, the captain rescinded the suspensions and changed the adjudications from “founded” to “unresolved,” with the captain offering the following as explanation of the change: “Facts about initiation and reasons in dispute. Deputies disputed info in invest. Which they supported (sic).” The captain offers no further explanation nor describes why he changed his mind. That certain facts are in dispute is a given. What is not explained is why the captain found one way and then changed the finding to “unresolved.” If he had really changed his mind, the adjudication should have been “unfounded.”

- A deputy left a threatening phone message with her former sister-in-law stating that although she recently “pulled a gun” on the man she was currently dating to prevent him from confronting her ex-husband, she presently believed that “she should have let him beat your brother’s ass,” according to transcripts of the phone messages in question included in the investigative file. The captain adjudicated the case “founded” and imposed a suspension of five days. The case proceeded to the Review Board, where the Division Chief “admonished the deputy, stating that her actions represented a poor image of herself and the Department.” Nonetheless, “in light of the complainant’s refusal to be interviewed further on the case was inclusive (sic)...The case was deemed unresolved.” No reason was given for why refusal of the sister-in-law to consent to a second interview should change the result, particularly in light of the high-quality and well-documented unit level investigation that contained a

thorough interview of the complainant. The Review Board's rationalization seems merely makeweight. If the Board was uncomfortable about the length of suspension, it should have exercised its discretion to reduce it, rather than changing the adjudication.

- A finding that an officer caused two flat tires and damage to one tire rim on an official vehicle by running over a curb was changed to “unresolved.” The deputy initially denied to a sergeant that he had run over or hit anything with his vehicle, but he later told the investigator that “he didn’t remember hitting anything.” In a follow-up interview, he indicated that “he must had (sic) hit something because he had damaged the rim and had two flat tires,” though “he did not feel anything and has no idea what he hit” and explicitly denied hitting a street curb. The investigator, however, noted that “several deputies” have “had tire blow outs in the same area” as the deputy and “each time it was determined that the deputies had struck the remnant of the center divider for the left turn lane” at a specific intersection. While the remnant had been repaired at the time of the investigator’s call to the Compton Road Department, the involved deputy’s incident “happened prior to the road being repaired.” Given the implausibility of the deputy’s story that such substantial damage could have been caused to his vehicle without running anything over, the original discipline recommendation was one day of suspension. This suspension was overturned, and the finding changed to “unresolved” as a result of formal grievance to the deputy’s captain. The captain offered no justification for rescinding the suspension and overturning his previous adjudication, only stating that “the grievance is approved. Deputy...shall receive points for the traffic collision and the one-day suspension without pay shall be rescinded.” There was no need to change the adjudication simply because the discipline was changed from a suspension to traffic points.

Although these four instances do not amount to a miscarriage of justice, it is nonetheless the case that the ultimate decision maker degraded the quality and uniformity of the disciplinary system. It appears that the subject officer in these four cases succeeded in eliciting the sympathy of the decision maker. While such sympathy could legitimately be a mitigating factor regarding discipline, it does not change the facts on the ground, and there was thus no basis to change the adjudication. It is corrosive to a relationship of trust and confidence between an investigator and a captain when well-founded factual conclusions are disregarded out of sympathy for the suspect. It is clumsy legerdemain or an outright lie to say that something that happened did not, without specifying new evidence. The intent is fairly obvious: the decision maker does not want the subject deputy to have a founded investigation on the PPI. It should be explicitly contrary to policy to change a finding on that ground.

Accordingly, we recommend that the LASD adopt a policy forbidding a change in the adjudication except where new facts or fresh evidence come to light. In such cases, LASD policy should require the decision maker to state in writing exactly how and why new facts or fresh evidence dictates a change in result.

## **B. Reduction of discipline via settlement**

LASD officers generally do not serve the total amount of discipline initially recommended. When the officer contests the initial discipline, it is almost invariably diluted as a result of settlement agreements that reduce the length of suspension or allow many, and sometimes all, days of suspension to be “held in abeyance.” Overall, in 84 percent of the cases, discipline was reduced or held in abeyance. It occurred most often at the first stage when the subject officer met with the captain, whether formally or informally. For the 58 employees who either formally or informally grieved the discipline



imposed in a unit level investigation, 54 managed to get the discipline reduced. Another two employees were unsuccessful. One employee filed a grievance but withdrew it. Another stepped down from a bonus position in lieu of further discipline. Of the 54 reductions, 43, or 80 percent of all reductions, involved reducing discipline by one to three days. Eleven instances involved reductions of four days or more, including one eight-day reduction.

We came across no instance where the employee was given more severe discipline upon review or appeal of a grievance. Based on discussions with the Employee Relations Unit, the Internal Affairs Bureau, the Advocacy Unit, and review of all policies, documented procedures, and Memoranda of Understanding (“MOUs”) relating to discipline and the grievance process, there is no prohibition to increasing discipline during the review or appeal. Because each stage of review constitutes a fresh, *de novo* review of the case and facts, no decision maker is bound by previous factual or discipline findings. A captain could increase discipline if, for example, after hearing a grievance, he determined that the subject officer was proceeding in bad faith or had lied. A Review Board could find that not only should a grievance claim be denied, but that the original captain imposed discipline that was too lenient, and elect to impose harsher discipline. The power to increase discipline should be invoked where appropriate, especially when fresh consideration and new facts compel it.

In only nine of the 54 grieved cases that we reviewed were there rationales offered for reductions in discipline. These were all cases that proceeded through the formal grievance process. An example is the following:

- A sergeant was suspected, while off-duty, of being under the influence after a collision between his motorcycle and another vehicle. He refused to take a breathalyzer test and was rude and uncooperative during the incident, which resulted in his arrest. He was found to be under the influence of alcohol and was given a suspension of 15 days without pay,

discipline which falls in the middle of the corresponding 10 to 20-day range for “off-duty drunk driving with collision.” During the first level grievance, the captain reduced the suspension to 10 days, with three held in abeyance. The settlement agreement stipulated that the sergeant attend two Alcoholics Anonymous (AA) meetings per month for nine months, provide proof of attendance, and meet with the Department’s Alcoholism Program Director on a regular basis. In this instance, holding the days in abeyance, contingent on the officer completing efforts to get help with his alcohol problem, was ultimately more beneficial to the employee and the Department than having the employee serve the whole sentence without getting such assistance. The involved sergeant did receive discipline, but his willingness to seek treatment make a modification of discipline an appropriate result.

In 45 other instances that we identified, the reduction in discipline was insufficiently supported. In most such instances, the captain or Review Board provided little or no explanation or rationale. This occurred most glaringly in the informal conferences prior to a formal grievance being filed. We debated among ourselves whether our concerns about reductions in discipline were based on the absence of explanation or lack of resolve on the part of captains. We did note that contrition and an apology by the deputy were often rewarded by a reduction in the proposed discipline or by holding days in abeyance. This report does not in any way suggest that all reductions in discipline lack a reason or justification or are wrong. We do conclude that any change in discipline should be accompanied by a full written explanation and rationale. We nonetheless found instances where the reductions appeared unwarranted.

- An officer was dispatched to a Wal-Mart in response to a grand theft person call. After a backup officer arrived at the scene, four suspects were taken into custody and placed in the backup officer’s patrol car.

The backup officer then went inside the store to complete the investigation of the crime. Meanwhile, the assigned deputy heard a call on the radio regarding a burglary in progress and elected to respond to the call, without informing the backup officer, who discovered that the deputy had left the scene upon “re-emerg[ing] from the store” some ten to twelve minutes later. In doing so, the deputy left the victim of the crime charged with the duty of watching the four suspects, who, “although...contained in the rear seat of a patrol car..., had not been searched, nor were they handcuffed.” In the investigative summary, the investigating officer observed that “had an incident occurred involving the victim and the suspects, the liability issues could have potentially been enormous.” The discipline imposed on the officer for leaving suspects unattended in order to pursue a more “exciting” call was 10 days. The involved deputy informally met with the captain, who then agreed to hold five of the ten days in abeyance. No reasons whatsoever were given.

The captain may have been acting in complete good faith. The absence of reasons given, however, might lead one to speculate that the captain imposed the initial discipline knowing that if the involved deputy came to see him, he would hold five days in abeyance in trade for the deputy not filing a grievance. If this speculation is correct, it lends credence to the view that the LASD disciplinary system at times involves more gamesmanship than neutral and dispassionate judgment.

One also has to wonder why a deputy should wait until after the captain imposes initial discipline to demonstrate contrition or to offer an apology. One would think that a deputy who is truly contrite and steps up to responsibility would do so at the earliest possible moment. It strikes us that the sincerity of the contrition is more suspect when it only comes after the captain has decided to impose discipline. Better practice would seem to dictate that an apology be given much less weight as a mitigating factor if it only comes after a disciplinary decision has been made.

- An officer was accused of being rude and discourteous while citing a citizen for driving 50 miles per hour in a 35-miles-per-hour zone. The investigator noted that the officer “displayed an officious and overbearing attitude” and that the deputy failed to “treat the citizen in a courteous, fair, and businesslike manner” especially by telling the involved citizen that “if he wanted a supervisor to respond to the location, [he] would have to call for one” himself. The case was “founded,” and the discipline was a one-day suspension. The involved deputy went to see the captain who had imposed the one-day suspension. The result of the informal conference was that the one day was held in abeyance in exchange for an agreement not to file a formal grievance. The result was puzzling in that no reasons were given for the changed result and that the deputy in question had a previous history of discourteous interactions with citizens.
- An investigation uncovered evidence of a clear Code 3 violation in which a deputy activated lights and sirens without proper authorization and subsequently lost control of his vehicle, crashing into another vehicle. The discipline was five days. As a result of a formal grievance, the officer ultimately served just one day of discipline, with an additional two days held in abeyance. No rationale whatsoever was provided for the reduction in discipline. The captain may well have been acting in complete good faith. Nonetheless, the absence of a written rationale for the reduction fuels speculation that this was an instance of deal making in contrast to a sober reappraisal of discipline.

It can be argued that what takes place in the LASD is akin to a prosecutor’s overcharging a suspect in order to create an incentive for a plea bargain. Yet few would deny that plea bargaining somewhat compromises justice, even if it is a necessary evil to forestall the criminal justice system from grinding to a halt. There is no such necessity in the police disciplinary context, and plea bargaining should have no place there.

Considering all discipline imposed on the whole of the officers involved in the unit level investigations reviewed, a combined total of 105 days of suspension were unserved, leaving 188 total days of originally recommended suspension upheld. Another 71 of these remaining 188 days, however, were held in abeyance per settlement agreements. On average, the grievance process reduced the number of suspension days actually served by an officer by some 2.54 days. Keep in mind that the average suspension is 4.2 days.

The Department must emphasize to both supervisors and rank-and-file officers that the grievance process is not a one-way ticket to a reduced suspension. The grievance process should carry some element of “risk” for the grieving officers; their discipline could go up in some instances where a grievance has no merit and the review of the case find previously imposed discipline to be inadequate. Further, captains and commanders must explain and justify their decisions upon hearing a grievance, especially when they elect to reduce the length or severity of a previously imposed discipline.

### **C. Failure to Consider Aggravating Circumstances**

Factors that should have aggravated discipline are often ignored. LASD policy requires that aggravating and mitigating circumstances be explicitly discussed and assessed when selecting specific discipline from a broad range of possibilities. Aggravating factors include the seriousness of the violation, the absence of cooperation of the involved officer, and past disciplinary history. We found no instances in which mitigating factors failed to be considered.

Because an employee’s prior disciplinary history is so important to the maintenance of a system of progressive discipline, we evaluated the PPI histories of each of the subjects of the unit level investigations to determine if past performance was being considered and, if so, if it was being considered reasonably.

All unit level investigative summaries did include a section for consideration of previous incidents of formal suspension or discipline. We noted three investigations in which the outcomes of previous unit level investigations were not reported as part of an involved officer's "past performance" because the nature of those investigations were deemed not to "relate" to the instant investigation.

- In an investigation of allegations that the subject deputy failed to respond to and act appropriately at the scene of a hit and run accident, the investigator and captain both failed to consider two prior suspensions within the previous two years for improperly initiating pursuits, arguing that those suspensions were not directly related to the present allegations.

One could argue that the investigator and captain took a crabbed and narrow view of what constitutes a related offense. Two suspensions in two years for wrongfully initiating a pursuit, combined with the present offense of acting improperly at the scene of a hit-and-run, are strong evidence that the particular employee is having substantial difficulty conforming his conduct to LASD standards and thus are clearly related. The investigator makes much of the involved deputy's 30 year career with the LASD as a mitigating factor. One could read the same facts and conclude that the particular deputy's performance toward the end of his career had degraded substantially and that a change in assignment might be in order. That conclusion seems inescapable when one considers the next unit level investigation against the same deputy.

- There, the deputy once again violated LASD pursuit policy. The two prior pursuit-related suspensions were properly considered as aggravating factors, but the intervening hit-and-run was not because it was deemed not to be related.

These narrow views of what's related and what's not mean that decision-makers ignore the forest for the trees. In the cases previously discussed, it seems to have led decision-makers to ignore a clear pattern of deteriorating behavior.

- In another investigation, an investigative summary similarly reported that a subject officer had no disciplinary history “related to this offense” of making “an inappropriate remark during a telephone conversation with a resident, and in doing so,” failing to “foster a cooperative relationship with the public.” The summary overlooked a prior written reprimand for failure to report a brawl in a bar involving another deputy. The two offenses, taken together, are clearly related in that each involves a serious failure to conform one's behavior to Department standards.

All “founded,” “unresolved,” and inactivated administrative investigations within the previous five years should be documented in the investigative summary and considered during the disciplinary assessment. That is, the whole of an officer's PPI printout—which should and does not include investigations adjudicated as “unfounded” or “exonerated”—should be considered during the initial imposition of discipline. While consideration of “unresolved” and inactivated investigations may or may not require renegotiation of existing “MOUs,” the benefits of evaluating an officer's history of investigations in which a determination could not be reached are substantial. We recommend that the Administrative Investigations Handbook be amended to require a complete inventory of all administrative investigations appearing on an officer's PPI report to which the captain has access on the unit level disposition summary.

In every case but one of the 94 cases that we reviewed, the outcomes of previous SCR investigations were neither referenced nor considered as past performance. Those omissions also had the effect of distorting a given deputy's

performance history, thereby giving a falsely rosy picture of the employee in question.

- A citizen complained that a deputy “was rude, unprofessional, and would not call a supervisor over to their location when a citizen requested one.” The unit level investigator’s review of an audiotape of the incident concluded that the officer “brought discredit upon himself and the Sheriff’s Department when he issued a traffic citation in such a manner that (sic) displayed an officious and overbearing attitude” and failed to “treat the citizen in a courteous, fair and businesslike manner.” When considering the involved deputy’s “past performance,” however, the disposition sheet only noted that the deputy “has been employed by the Sheriff’s Department for over 10 years” and “has not been disciplined in the past five years.” While this was technically true, the disposition sheet ignored that during the prior three years, the deputy had been the subject of eleven SCR investigations for discourtesy, six of which concluded that the deputy’s conduct should have been different. Obviously, the captains accountable for this deputy’s performance seriously dropped the ball. It beggars belief that the employee had been allowed to accumulate 11 citizen’s complaints of discourtesy, six of which were essentially sustained, with no formal investigation initiated.

Good practice should require the results of supervisory inquiries be listed and given at least some consideration. While a case can be made that such dispositions should not be deemed aggravating circumstances for disciplinary purposes, there is every reason that such dispositions should be considered for purposes of additional nondisciplinary steps that should be taken to improve the employee’s performance. In the previous example, the pattern of 11 citizen’s complaints for discourtesy should have triggered a wider inquiry whether the deputy should have been a candidate for performance review or



for substantial additional training to improve the deputy's attitude and conduct with members of the public.

The following case is a good illustration why dispositions of supervisory inquiries should be included when the captain evaluates an investigation.

- A citizen alleged that a deputy had been discourteous in a phone call, making racially insensitive conclusions as to the race of the caller's uncle based solely on his last name, saying that "he did not have the number" for the Twin Towers correctional facility, failing to give the caller the name of the deputy's supervisor when the caller requested it, and telling the caller that "I don't have time for this" before abruptly ending the call. The discourteous remarks were confirmed in a tape recording of the conversation. The unit level investigation concluded that the deputy's conduct was "contrary to the Department's core Values," "racially insensitive," and "antagonistic." The summary properly noted that the subject "has been a Department employee for ten years," "has no prior disciplinary history," and "received a competent rating on his last performance evaluation." The disposition sheet exhaustively described a clear pattern of discourtesy and neglect of duty derived from an examination of supervisory inquiries. After deliberation, the captain imposed a three-day suspension which he later reduced to two days held in abeyance after an informal conference with the deputy.

In our view, the captain fumbled and the deputy recovered the ball and went on to score a touchdown. The deputy's long past history of "conduct could have been better" outcomes demonstrates chronic discourtesy and neglect of duty. It was long overdue for the captain to have taken the employee in hand to put an end once and for all to this deputy's long-standing failure to perform to standards. And it was similarly problematic that the Region's Chief and Commanders apparently failed to take the captain to task.

No one in the LASD with whom we spoke could point to a provision explicitly precluding investigators from documenting the outcomes of SCR investigations as part of an employee's past performance. The disposition sheets prepared for unit level investigations follow a standard format and procedure outlined in the Administrative Investigations Handbook. We strongly recommend that this handbook be revised to require the "past performance" section of disposition sheets to include full documentation of SCR investigations that received "should have been different" and "could have been better dispositions." While those SCR dispositions might not be fair game as aggravating factors for disciplinary purposes, they should be included so that the captain is given an undistorted picture of an employee so that patterns of misconduct can be identified and corrected through performance review or other nondisciplinary interventions.

#### **D. Resignation in lieu of discipline**

In four instances, employees elected to resign in lieu of discipline:

- A deputy, who accidentally discharged his weapon through the floor of his home while cleaning, was initially given a written reprimand, but he resigned before the process was complete.
- A station clerk, who abandoned her post on two occasions and would have been suspended for three days, resigned.
- A custody assistant who released the wrong inmate resigned before discipline was imposed.
- A deputy resigned to accept employment at another law enforcement agency after being given a 15-day suspension for discarding items with evidentiary value, lying about their contents, and logging their return by a concerned citizen as a "disturbance."

In our view, inactivations in cases where an involved employee has resigned in lieu of discipline should be disallowed. Failing that, future employers of the deputy described above should be affirmatively informed that he resigned in lieu of taking a 15 day suspension for founded investigation of destruction of evidence and later lying about it. The offending employee should have to live with the consequences of a founded investigation. The public at large should be protected from misfit officers like this one bouncing from one law enforcement agency to another because prior employers hide the ball on past misconduct.

### *Conclusions and Recommendations*

The overall quality of unit level investigations is high, and the Department, as well as individual investigators, should be commended for producing an impressive body of objective and balanced investigations leading, for the most part, to impartial and careful adjudications.

The conclusions from our review of the discipline resulting from these founded unit level investigations are substantially less positive. The widespread deal-making during the grievance process raises troubling questions about the fairness and integrity of the discipline system for LASD personnel. As it stands now, an officer has nothing to lose by grieving discipline and everything to gain.

In sum, we recommend the following:

- Founded adjudications should not become “unfounded” or “unresolved” even if the case merits less than formal discipline unless there are new facts and evidence supporting a change in adjudication.
- The Department must be more vigilant in ensuring that investigations are inactivated only in the instance of duplicate investigations. A resignation should not trigger an inactivation of an investigation. The investigation

should be concluded to protect the public from a rogue law enforcement officer moving from department to department.

- A captain who requests an inactivation should be required to prepare a full explanation of the reasons why the inactivation is necessary.
- Captains must not allow the adjudication of a case to become a bargaining chip during the grievance process. Adjudications should not be changed except in instances where new facts or consideration lead to the conclusion that prior adjudication was wrong.
- Whenever supervisors review a unit level investigation during the grievance process and change the original adjudication, the reasons for the change should be clearly explained and documented in both the investigatory and the grievance files.
- The Department must stop letting the grievance process to be a one-way ticket to a reduced discipline. The Department should eliminate incentives and put forward disincentives for an employee to grieve. The LASD should stiffen the spines of captains who seem too willing to reduce discipline whenever a wheel starts to squeak.
- The Administrative Investigations Handbook must be revised to require that consideration of an officer's "past performance" include explicit inventory of all "founded" administrative investigations, whether they "relate" to the present investigation or not, and of all SCR investigations that receive "should have been different" or "could have been better" dispositions.
- Resignation in lieu of discipline should be disallowed. Failing that, full disclosure of the facts and circumstances should affirmatively be disclosed to subsequent employers. To the extent that applicable law does not so provide, the law should be changed.



# Shooting and Use of Force Tables

Table A Total LASD Shootings

	2001			2002			2003		
	<i>On Duty</i>	<i>Off Duty</i>	<i>Total</i>	<i>On Duty</i>	<i>Off Duty</i>	<i>Total</i>	<i>On Duty</i>	<i>Off Duty</i>	<i>Total</i>
Hit <sup>1</sup>	19	0	19	22	0	22	24	1	25
Non-Hit <sup>2</sup>	11	3	14	16	0	16	20	1	21
Accidental Discharge <sup>3</sup>	9	4	13	12	1	13	12	2	14
Animal <sup>4</sup>	33	1	34	35	5	40	35	3	38
Warning Shots <sup>5</sup>	0	0	0	0	0	0	0	0	0
Tactical Shooting <sup>6</sup>	0	0	0	1	0	1	0	0	0
<b>Total</b>	<b>72</b>	<b>8</b>	<b>80</b>	<b>86</b>	<b>6</b>	<b>92</b>	<b>91</b>	<b>7</b>	<b>98</b>

	2004			2005 <sup>7</sup>			2006		
	<i>On Duty</i>	<i>Off Duty</i>	<i>Total</i>	<i>On Duty</i>	<i>Off Duty</i>	<i>Total</i>	<i>On Duty</i>	<i>Off Duty</i>	<i>Total</i>
Hit <sup>1</sup>	36	1	37	28	0	28	25	2	27
Non-Hit <sup>2</sup>	19	1	20	18	2	20	18	2	20
Accidental Discharge <sup>3</sup>	8	3	11	1	1	2	4	2	6
Animal <sup>4</sup>	28	1	29	34	0	34	29	1	30
Warning Shots <sup>5</sup>	1	0	1	1	1	2	0	0	0
Tactical Shooting <sup>6</sup>	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>92</b>	<b>6</b>	<b>98</b>	<b>82</b>	<b>4</b>	<b>86</b>	<b>76</b>	<b>7</b>	<b>83</b>

1 **Hit Shooting Incident:** An event consisting of one instance or related instances of shots (excluding stunbags) fired by a deputy(s) in which one or more deputies intentionally fire at and hit one or more people (including bystanders).

2 **Non-Hit Shooting Incident:** An event consisting of one instance or related instances of shots (excluding stunbags) fired by a deputy(s) in which one or more deputies intentionally fire at a person(s), but hit no one.

3 **Accidental Discharge Incident:** An event in which a single deputy discharges a round accidentally, including instances in which someone is hit by the round. Note: If two deputies accidentally discharge rounds, each is considered a separate accidental discharge incident.

4 **Animal Shooting Incident:** An event in which a deputy(s) intentionally fires at an animal to protect himself/herself or the public or for humanitarian reasons, including instances in which a person is hit by the round.

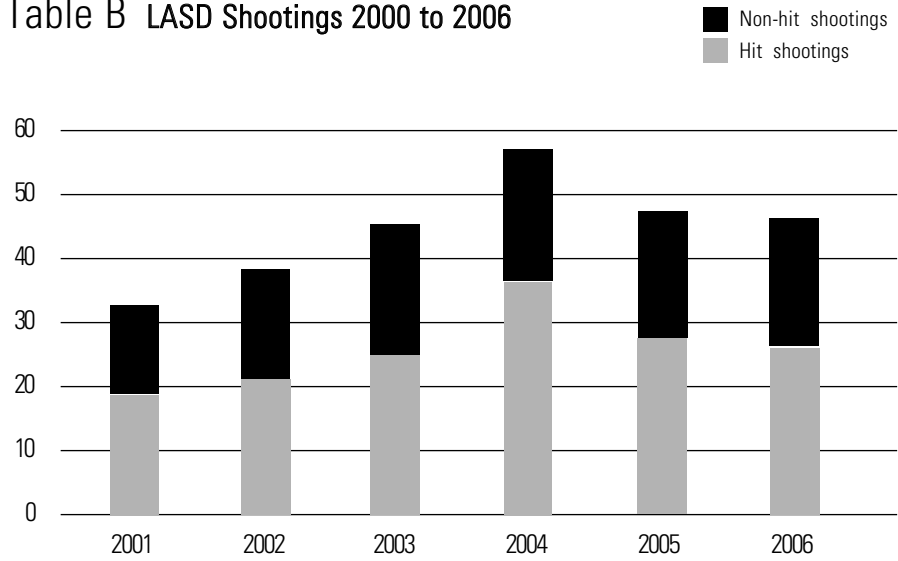
5 **Warning Shot Incident:** An event consisting of an instance of a deputy(s) intentionally firing a warning shot(s), including instances in which someone is hit by the round. Note: If a deputy fires a warning shot and then decides to fire at a person, the incident is classified as either a hit or non-hit shooting incident.

6 **Tactical Shooting:** An event consisting of an instance or related instances of a deputy(s) intentionally firing a firearm but not at a person, excluding warning shots (e.g., car tire, street light, etc.). Note: If a deputy fires at an object and then decides to fire at a person, the incident is classified as either a hit or non-hit shooting incident.

7 Corrected September 2006.

Source: Internal Affairs Bureau

Table B LASD Shootings 2000 to 2006



Source: Internal Affairs Bureau

**Table C LASD Hit Shootings by Unit**

	2001	2002	2003	2004	2005	2006 <sup>g</sup>
<b>Number Of Incidents</b>	<b>19</b>	<b>22</b>	<b>25</b>	<b>37</b>	<b>28</b>	<b>27</b>
Altadena Station	0	0	0	0	0	0
Carson Station	1	2	0	1 <sup>b</sup>	1	1
Century Station	6 <sup>a</sup>	5	2 <sup>b</sup>	10 <sup>e</sup>	5 <sup>b</sup>	3
Cerritos Station	NA	0	0	0	0	1
Community Colleges Bureau	NA	NA	NA	NA	1	0
Community Oriented Policing (COPS) Bureau	NA	NA	NA	NA	NA	1
Compton Station	NA	0	6 <sup>c</sup>	6 <sup>e</sup>	2	3
Court Services Bureau	NA	0	0	0	0	0
Crescenta Valley Station	NA	NA	NA	0	0	0
East Los Angeles Station	0	0	0	0	2	2
Industry Station	1	1	1	1	1	2
Lakewood Station	2	1	1	4	1	2
Lancaster Station	0	1	0	1	1	0
Lennox Station	4	2	0	6	1	1
Lost Hills/Malibu	0	0	1	0	0	0
Major Crimes Bureau	0	0	2	0	0	0
Marina Del Rey Station	NA	NA	NA	1	0	0
Men's Central Jail	NA	NA	1 <sup>d</sup>	0	0	0
Mira Loma Facility	NA	0	0	0	0	0
Miscellaneous Units	NA	0	0	0	0	0
Narcotics Bureau	0	0	1 <sup>b</sup>	0	0	0
North County Correctional Facility	0	0	0	0	0	1 <sup>bd</sup>
Norwalk Station	1 <sup>a</sup>	1	1	2	0	1
Operations Bureau	NA	NA	NA	1 <sup>e</sup>	0	0
Operation Safe Streets <sup>h</sup>	NA	1	4 <sup>c</sup>	3 <sup>e</sup>	3	1 <sup>b</sup>
Palmdale Station	0	3	0	0	2	3
Pico Rivera Station	0	1	1	1	1	0
San Dimas Station	0	1	0	0	0	0
Santa Clarita Valley Station	0	0	0	2	1	1
Special Enforcement Bureau	3 <sup>a</sup>	0	3	0	2 <sup>f</sup>	2
Temple Station	1	1	1	0	2	1
Transit Services Bureau	0	0	1 <sup>c</sup>	1	1 <sup>b</sup>	1 <sup>d</sup>
Walnut Station	1	0	0	0	0	0
West Hollywood Station	NA	0	0	0	1	0
Number of Suspects Wounded	8 <sup>a</sup>	11	12	12	16	18
Number of Suspects Killed	12	11	16	27	12	11

a. One shooting (2/18/01), involved three units (Century, Norwalk and SEB). Two suspects were wounded.

b. Includes one incident in which more than one person was shot.

c. One shooting (7/8/03) involved three units (Safe Streets Bureau, Compton Station, and Transit Services Bureau).

d. Off duty shooting.

e. One shooting (1/5/04) involved four units (Century, Compton, Operation Safe Streets and Operations) and resulted in the deaths of two suspects.

f. Both shootings occurred while assisting outside agencies (2/8/05 Downey Police Department; 6/7/05 California Highway Patrol).

g. Midyear numbers have been recalculated. These are final statistics for 2006.

h. Formerly Safe Streets Bureau.

Source: Internal Affairs Bureau



Table D LASD Non-Hit Shootings by Unit

	2001	2002	2003	2004	2005 <sup>d</sup>	2006
<b>Number Of Incidents</b>	<b>14</b>	<b>16</b>	<b>21</b>	<b>20</b>	<b>20</b>	<b>20</b>
Carson Station	0	1	0	1 <sup>b</sup>	1	0
Century Station	6 <sup>a</sup>	3	4	5 <sup>b</sup>	3	3
Century/Compton Transit Services	1	0	0	0	0	0
Cerritos	NA	1	0	0	0	0
Community Oriented Policing	NA	NA	NA	NA	NA	1
Compton	NA	2	4	3	3	1
Crescenta Valley Station	NA	NA	NA	1	0	0
East Los Angeles Station	1	1	2	0	2	0
Gang Murder Task Force	NA	NA	NA	NA	2	1
Homicide Bureau	NA	NA	NA	NA	1	0
Industry Station	6	2	2	0	1	0
Lakewood Station	0	0	1	0	0	0
Lancaster Station	NA	1	1	1	0	2
Lennox Station	1	1	2	1	2	3
Lost Hills Station	NA	NA	NA	1	1	0
Marina del Rey	1	0	0	0	0	0
Men's Central Jail	1	0	1 <sup>a</sup>	0	0	1 <sup>a</sup>
Narcotics Bureau	0	0	0	0	0	1
Norwalk Station	0	2	1	0	0	0
North County Correctional Facility	0	0	0	0	0	1 <sup>a</sup>
Operation Safe Streets <sup>c</sup>	1	0	1	3	4	4
Palmdale Station	1	0	1	0	0	0
Pico Rivera	0	0	0	0	0	2
Santa Clarita Valley Station	0	0	0	1	0	0
Special Enforcement Bureau	1	0	0	1	0	0
Temple Station	0	1	0	0	0	0
Transit Services Bureau	NA	NA	NA	2	0	0
Twin Towers	NA	0	0	1 <sup>a</sup>	0	0
Walnut Station	NA	0	1	0	0	0

a. Off-duty shooting.

b. One shooting (2/6/04) involved two units (Carson and Century).

c. Formerly Safe Streets Bureau.

d. Corrected September 2006.

	2001	2002	2003	2004	2005	2006
<b>Incidents Resulting in Force/Shooting Roll-Out</b>	<b>87</b>	<b>92</b>	<b>89</b>	<b>115</b>	<b>93</b>	<b>82</b>

Source: Internal Affairs Bureau

**Table E LASD Force**

<b>Department Wide*</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005 **</b>	<b>2006</b>
Force Incidents (Total)	2399	2645	2643	2772	2944
Total Force/100 Arrests	2.60	2.81	2.69	2.58	2.52
Significant Force:					
Hospitalization/Death/100 Arrests	0.02	0.01	0.01	0.02	0.01
Significant Force:					
Visible Injury/100 Arrests	0.63	0.68	0.78	0.76	0.73
Significant Force:					
Complaint of Pain/100 Arrests	0.37	0.38	0.42	0.43	0.37
Significant Force:					
Other/100 Arrests	0.42	0.40	0.28	0.28	0.24
Less Significant Force Incidents/100 Arrests	1.16	1.34	1.19	1.09	1.17
OC Spray/100 Arrests	0.41	0.46	0.71	0.65	0.70
<b>Field Operation Regions (FOR)</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Region I Force Incidents	401	406	496	527	559
Per 100 Arrests	1.40	1.40	1.44	1.31	1.36
Region II Force Incidents	568	589	634	638	581
Per 100 Arrests	1.96	2.1	2.35	2.23	2.00
Region III Force Incidents	271	356	354	362	323
Per 100 Arrests	0.96	1.17	1.16	1.19	1.05
FOR Total Force Incidents	1240	1351	1484	1527	1555 ***
Per 100 Arrests	1.45	1.55	1.61	1.54	1.46
<b>Field Operation Regions (FOR)</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Regions I, II & III Significant Force	700	699	782	850	826 ***
Per 100 Arrests	0.82	0.80	0.85	0.86	0.77

\* Includes all patrol stations and specialized units, including custody and court services.

\*\* Corrected August 2006.

\*\*\* Includes Transit Services Bureau and Metro-link Bureau (office of Homeland Security).

Source: Management Information Services

Table F LASD Force/100 Arrests All Patrol Stations

Station	2001	2002	2003	2004	2005	2006
Altadena	NA	1.87	1.68	1.31	1.89	1.47
Crescenta Valley	1.20	0.53	1.40	1.15	2.03	1.67
East LA	1.04	1.38	1.11	1.14	1.46	1.27
Lancaster	0.92	1.39	1.63	1.54	1.34	1.28
Lost Hills/Malibu	0.86	0.67	1.11	1.21	1.36	1.94
Palmdale	1.79	1.81	1.85	1.37	0.77	1.24
Santa Clarita	1.15	1.42	1.55	1.95	1.96	1.49
Temple	1.52	1.28	0.79	1.39	1.40	1.39
<b>Region I Totals</b>	<b>1.21</b>	<b>1.40</b>	<b>1.40</b>	<b>1.44</b>	<b>1.31</b>	<b>1.36</b>
Avalon	2.00	1.43	2.04	2.49	3.26	6.04
Carson	1.33	1.44	1.56	1.77	1.80	1.86
Century	2.42	2.29	2.16	3.18	1.98	2.06
Community College	NA	NA	7.14	7.03	7.27	14.29
Compton	1.71	2.59	3.04	1.86	1.85	1.97
Lomita	1.50	2.32	0.87	1.17	0.66	1.29
Lennox	1.31	1.41	1.80	1.24	1.89	1.73
Marina del Rey	1.42	2.17	2.12	1.29	1.23	1.24
Transit Services Bureau	NA	1.71	2.06	4.53	1.79	NA *
West Hollywood	2.19	2.29	2.29	2.71	2.41	2.43
<b>Region II Totals</b>	<b>1.87</b>	<b>1.96</b>	<b>2.10</b>	<b>2.35</b>	<b>2.23</b>	<b>2.00</b>
Cerritos	1.20	1.65	1.16	1.73	1.24	1.29
Industry	1.16	0.71	1.06	0.97	0.84	0.72
Lakewood	1.35	1.39	1.61	1.41	1.38	1.24
Norwalk	1.16	0.90	1.20	1.26	1.45	1.23
Pico Rivera	0.97	0.67	0.81	0.95	1.07	0.79
San Dimas	1.17	0.83	1.13	0.62	0.66	0.65
Walnut	0.78	1.03	0.80	0.87	1.15	1.66
<b>Region III Totals</b>	<b>1.21</b>	<b>0.96</b>	<b>1.17</b>	<b>1.16</b>	<b>1.19</b>	<b>0.05</b>
Transit Services Bureau	NA	NA	NA	NA	NA	1.64
Metro-link Bureau	NA	NA	NA	NA	NA	1.28
<b>Office of Homeland Security Totals</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>1.62 *</b>

\* In 2006, Transit Services Bureau was moved to the Office of Homeland Security.

Source: Management Information Services