

The Los Angeles County  
**Sheriff's Department**

**27th Semiannual Report**

Special Counsel Merrick J. Bobb and Staff  
and Police Assessment Resource Center (PARC)  
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## **Introduction and Executive Summary**

This Semiannual Report, the 27th, examines broadly whether a computerized early identification system fulfills its promise to accurately identify possible problem officers. This Report also explores whether targeted intervention with problem officers leads to significant reductions in their risk-related activity in the future. To our knowledge, this is the first systematic study of these questions. We examine them in the context of the Los Angeles County Sheriff's Department (LASD). Following statistical analysis and research, we conclude that the LASD's early identification system, called the Personnel Performance Index (PPI), and its targeted intervention program, called Performance Mentoring, perform well, thereby validating the LASD's efforts and early identification systems in general. It is reassuring to conclude that the PPI works. It captures patterns and reveals trends in officer performance. Substandard behavior indeed does not usually exist in isolation or occur randomly; it is related to other behavior in a way that the PPI captures systematically. The strength and number of relationships in the PPI between key areas of officer performance are notable.

The implication of these findings is significant: Use of early identification systems and subsequent targeted intervention in fact reduces police misconduct. Moreover, use of the early identification system and targeted intervention has not led to a corresponding decrease in police activity. In the 11 years since the PPI first became operational in 1997, the total annual number of arrests by the LASD has risen steadily from approximately 99,000 in 1997 to approximately 138,000 in 2008, despite significant drops in serious crime in recent years.

At the recommendation of Judge Kolts in 1992 and by action of the Board of Supervisors, Sheriff Sherman Block agreed that the LASD would become the first law enforcement agency in the United States to develop a computerized, highly sophisticated relational database to serve as an early identification or tracking system to discover problem officers and those who might potentially become problem officers. Since that time, these tracking systems have proliferated widely and are now commonplace in most major urban police departments. Development of tracking systems has been a requirement in federal consent decrees since the late 1990s. The assumption behind any early identification and tracking system is that actual and incipient substandard performance will reveal itself in patterns in the data collected. Those patterns identify par-

ticular officers for whom further inquiry is warranted. For those officers ultimately found to have performed in a substandard manner, appropriate interventions can be devised.

Since the creation of the PPI, the assumption has been that harmful officer behavior—or the kind of substandard performance that costs the Department and County of Los Angeles money in lawsuits and claims, harms the Department’s reputation in the community, or otherwise compromises the Department’s ability to fulfill its mission—does not exist in isolation. An outstanding officer suddenly “going bad” is rare. Far more often, the thinking goes, officers involved in an incident especially harmful to the Department or the community will have a history of substandard or worrisome performance. Substandard performance in one area at one moment can be related to, influenced by, or predictive of substandard performance in other areas, such that the Department can spot relationships and trends and intervene in a given officer’s career before a serious event occurs.

Chapter 1 considers, by using statistical methods, whether the PPI, more than fifteen years after its original conception under the leadership of then-Assistant Sheriff Michael Graham, does what it was designed to do. Does the PPI systematically relate, and reveal trends in, various elements of officer performance? Are there some types of performance that are more revealing because they are related to disproportionately higher levels of undesirable or substandard behavior? If so, what should the Department, and its managers, monitor especially closely?

We were able to determine not just that the PPI reveals relationships but, also, the magnitude of those relationships. Our statistical analysis of the PPI identified officer behaviors that are, on average, associated with other, potentially problematic behavior—of the sort that the Department has long sought to minimize, such as shootings or lawsuits. This Report presents the Department managers with a list of those specific types of performance that, even after controlling for other factors, tend to be systematically associated with a potentially problematic performance trend or level of activity, and we urge managers to pay close attention to these particular performance indicators when evaluating individual officers. The relationships presented in these lists indicate that the PPI is functioning as was intended.

For example, we found that administrative and citizen's complaint investigations for allegations relating to improper or unreasonable force are especially associated with higher levels of activity across other performance indicators:

- Misuse of force allegations in administrative investigations, *whether sustained or not*, are associated with a higher average number of shootings, lawsuits, lawsuits requiring payout, civil claims, and claims requiring payout. In other words, officers alleged to misuse force present a higher risk to the Department of being involved in shootings and lawsuits requiring a payout, among other things. Accordingly, it behooves management to look more carefully at officers who are alleged to misuse force, whether or not the allegations are ultimately sustained.
- Citizen's complaints alleging "unreasonable force," *whether sustained or not*, are associated with higher levels of "founded" administrative investigations. In other words, officers who draw citizen's complaints of unreasonable force present a greater risk to the Department of being involved in sustained misconduct, whether for misuse of force or another administrative violation. Accordingly, management should pay special attention to officers with citizen's complaints of misuse of force.

Other findings include the following:

- The likelihood of finding officers whose truthfulness and candor has been or will be questioned grows as the number of "unresolved" findings rise. We recommend that the Department monitor especially, and consider for performance mentoring, officers with a significant number of unresolved findings.
- Because some allegations in administrative investigations—including "performance to standards," "derogatory language," "absence," and "false statements," have particularly noteworthy relationships to higher levels of other potentially problematic behavior, we recommend that the Department pay special attention to officers who are investigated in connection with such allegations.
- Because inconclusive outcomes (or "unresolved" administrative investigations and "unable to make a determination" citizen's complaint investigations), exculpatory dispositions (or "unfounded" administrative investigations and "reasonable" complaint investigations), and simply the number of internal investigations in which an officer has been the subject (regardless of outcome or disposition) all tend to be more

consistently associated with a potentially problematic or higher level of activity across multiple performance areas, we recommend that the Department no longer restrict its consideration of an officer's history to only "founded" administrative investigations for purposes of risk management.

As impressive as it is, the PPI could be even better. In our **Sixteenth Semiannual Report** in 2003, we strongly recommended that the LASD add performance indicators that other departments' early intervention systems tracked but that the PPI did not. We urged the Department, in order to ensure that the PPI remain at the forefront of law enforcement innovation, to expand the PPI to include the enumerated categories. To our regret, now more than six years later, those recommendations have not been implemented. We call upon the Board of Supervisors to exercise its authority to bring about the expansion of the PPI as we recommend in this Report.

In Chapter 2, we revisit the topic of Performance Review or, as it is currently known, the Performance Mentoring Program, begun in 1995 and designed to take advantage of the PPI by flagging those employees who reach particular thresholds of activity, indicating a potential risk to the Department, the community, or the employee's career. We find that, on the whole, Performance Mentoring has led to significant reductions in risk-related activity for participants—not only for the time the individuals are in the Performance Mentoring Program, but also for several years thereafter. We commend the Department for its performance in this area and offer some suggestions where its performance could be even better, including the following:

- Performance Mentoring Committee meetings should be held no less frequently than once per quarter, with extra meetings scheduled if needed to adequately meet the volume of candidates. Quarterly meetings should never be skipped altogether.
- The Committee should create "combination" thresholds that would allow for flagging of employees with relatively high numbers of incidents in a variety of categories, particularly in those related to force or other common liability risks.
- The accumulation of certain types of claims, lawsuits, or unresolved allegations (such as those regarding force) should be considered in combination with other categories.

Overall, we were pleased with the results of those Performance Mentoring candidates that we reviewed, finding that average incident rates decreased across most categories, even those that are not tracked, and that reductions increased over time. We also found

that these results held for most participants, regardless of the number of years out of the program, with many employees reducing their involvement in at-risk behavior to zero. Finally, we found that, where employees' incident rates continued to be high—even when there was a reduction—they were often flagged by the PMC staff even before they tripped another threshold. As such, we find that, on the whole, the program has been effective in reducing or minimizing involvement in risk-related activity for participants.

### ***Acknowledgments***

We offer our special thanks to the following LASD personnel for offering their valuable time, assistance, and feedback: Sergeant Staci Burgess-Allen, Lieutenant Judy Gerhardt, Lieutenant Pat Hunter, Captain David Long, Alice Martinez, Valerie-Shivers-White, Commander Eric Smith, and Cindy Vukic.





# **1. An Analysis of the PPI**

## **Introduction**

At the recommendation of Judge Kolts in 1992 and by action of the Board of Supervisors, Sheriff Sherman Block agreed that the LASD would become the first law enforcement agency in the United States to develop a computerized, highly sophisticated relational database to serve as an early identification or tracking system to discover problem officers and those who might potentially become problem officers. Since that time, these tracking systems have proliferated widely and are now commonplace in most major urban police departments. Development of tracking systems has been a requirement in federal consent decrees since the late 1990s. The assumption behind any early identification and tracking system is that actual and incipient substandard performance will reveal itself in patterns in the data collected. Those patterns identify particular officers for whom further inquiry is warranted. For those officers ultimately found to have performed in a substandard manner, an appropriate intervention can be devised.

Since the creation of the Personnel Performance Index (or “PPI”), the Sheriff Department’s relational database of employee performance, the assumption has been that harmful officer behavior—or the kind of substandard performance that costs the Department and County of Los Angeles money in lawsuits and claims, harms the Department’s reputation in the community, or otherwise compromises the Department’s ability to fulfill its mission—does not exist in isolation. An outstanding officer suddenly “going bad” is rare. Far more often, the thinking goes, officers involved in an incident especially harmful to the Department or the community have a history of substandard or worrisome performance. Substandard performance in one area at one moment can be related to, influenced by, or predictive of substandard performance in other areas, such that the Department can spot relationships and trends and intervene in a given officer’s career before a serious event occurs.

To our knowledge, the validity of these assumptions has not been seriously tested. Given the widespread use of early identification systems, we have determined to do so. It is reassuring to conclude that the PPI works. It captures patterns and reveals trends in officer performance. Substandard behavior indeed does not usually exist in isolation or occur randomly; it is related to other behavior in a way that the PPI captures systemati-

cally. The strength and number of relationships in the PPI between major areas of officer performance are notable.

The following chapter thus considers, by using statistical methods, whether the PPI, more than fifteen years after its original conception, does what it was designed to do. Does the PPI systematically relate, and reveal trends in, various elements of officer performance? Are there some types of performance that are more revealing because they are related to disproportionately higher levels of undesirable or substandard behavior? If so, what should the Department, and its managers, monitor especially closely?

We were able to determine not just that the PPI reveals relationships but, also, the magnitude of those relationships. Our statistical analysis of the PPI identified officer behaviors that are, on average, associated with other, potentially problematic behavior—of the sort that the Department has long sought to minimize, such as shootings or lawsuits. We present the Department with managers a list of those specific types of performance that, even after controlling for other factors, tend to be systematically associated with a potentially problematic performance trend or level of activity, and we urge managers to pay close attention to these particular performance indicators when evaluating individual officers. It is the specific statistics and relationships presented in these lists that indicate that the PPI is functioning as was intended.

For example, we found that administrative and complaint investigations for allegations relating to improper or unreasonable force are especially associated with higher levels of activity across other performance indicators:

- Misuse of force allegations in administrative investigations, *whether sustained or not*, are associated with a higher average number of shootings, lawsuits, lawsuits requiring payout, civil claims, and claims requiring payout. In other words, officers alleged to misuse force present a higher risk to the Department of being involved in shootings and lawsuits requiring a payout, among other things. Accordingly, it behooves management to look more carefully at officers who are alleged to misuse force, whether or not the allegations are ultimately sustained.
- Citizen's complaints alleging "unreasonable force," *whether sustained or not*, are associated with higher levels of "founded" administrative investigations. In other words, officers who draw citizen's complaints of unreasonable force present a greater risk to the Department of being involved in sustained misconduct, whether for misuse of

force or another administrative violation. Accordingly, management should pay special attention to officers with citizen's complaints of misuse of force.

- The likelihood of finding officers whose truthfulness and candor has been or will be questioned grows as the number of "unresolved" findings rise. We recommend that the Department monitor especially, and consider for performance mentoring, officers with a significant number of unresolved findings.

Because some allegations in administrative investigations—including "performance to standards," "derogatory language," "absence," "false statements," and "Policy of Equality (POE) allegations"<sup>1</sup>—have particularly noteworthy relationships to higher levels of other potentially problematic behavior, we recommend that the Department pay special attention to officers who are investigated in connection with such allegations.

Because inconclusive outcomes (or "unresolved" administrative investigations and "unable to make a determination" complaint investigations), exculpatory dispositions (or "unfounded" administrative investigations and "reasonable" complaint investigations), and simply the number of internal investigations in which an officer has been the subject (regardless of outcome or disposition) all tend to be more consistently associated with a potentially problematic or higher level of activity across multiple performance areas, we recommend that the Department no longer restrict its consideration of an officer's history to only "founded" administrative investigations, and "should have been different" and "could have been different" complaint investigations, for purposes of risk management.<sup>2</sup>

Our consideration of the PPI, and the performance patterns that it reveals, begins with a brief summary of the history of the PPI. It outlines the motivation for our statistical inquiry and provides a broad explanation of our statistical methods.

The chapter and its appendix present the Department with a list of each of the major classes of performance within the PPI—administrative investigations, lawsuits, shootings, force, citizen's complaints, and civil claims—and offers a full account of what other types of performance are, on average, systematically associated with each of them. This section provides managers with tremendous detail about what performance indicators, because they are particularly related to potentially problematic or higher levels

<sup>1</sup> Policy of Equality allegations relate to the various forms of discrimination by LASD officers against protected classes of other officers, such as discrimination by race, gender, ethnicity, sexual orientation, and the like.

<sup>2</sup> The implications of our finding are profound. It is commonly argued that use of "unfounded" investigations is unfair to the officer. There are certainly contexts in which the use of an unfounded investigation would be unfair. But for purposes of risk management and to identify potentially problem officers, unfounded and unresolved findings should not be ignored.

of other behaviors, to evaluate especially closely when considering a specific officer's performance.

The chapter then provides the Department with recommendations for how it should consider information within PPI more generally and across officers for purposes of risk management. Finally, the chapter urges the Department to update the PPI by expanding it to include detention and arrest-related data, criminal investigations, inmate complaints, data on warrantless stops and seizures, and the means for comparing an officer with other, similarly situated officers.

## **I. History of the PPI**

The Personnel Performance Index (PPI) is a computerized database of officer performance. It is a type of early identification or “early warning” system. Such systems continually record and synthesize data on officer behavior such that Department managers can identify officers who may be experiencing potential performance problems and intervene, via counseling or training, to address the issue proactively—or before standard performance in a particular incident warrants adjudication via formal discipline, exposes the department to financial risk, or harms the Department's relationship with the community that it serves.

As its raw data, the PPI captures a set of performance indicators, or categories of records, within discrete areas, or modules, of the database. The PPI currently catalogs information about an employee's administrative investigations, operational vehicle investigations, civil claims, lawsuits, use of force, use of lethal force (officer-involved shootings), public commendations and complaints (public input received via Service Comment Reports, or “SCRs”), and internal commendations (executive commendations).<sup>3</sup> The types of performance data tracked for each officer have not changed substantially since the PPI's initial creation and implementation.

The PPI was developed pursuant to the recommendation of Judge James G. Kolts, who the Los Angeles County Board of Supervisors appointed to conduct a comprehensive assessment of the LASD following four controversial shootings in the summer after the March 1991 Rodney King incident. Judge Kolts concluded that the Department had been exposing itself, and the County, to excessive risk by not “keeping track of statistics that will help to determine which deputies are likely to use more force than necessary”

<sup>3</sup> A PPI module tracks Pitchess motions and other general discovery issues, but this module does not appear as part of an employee's PPI profile, a summary of an employee's PPI data, used by Department managers.

or otherwise become the subject of civil claims and lawsuits.<sup>4</sup> Like other contemporaneous blue ribbon panels examining the LAPD and NYPD, Judge Kolts and his staff envisioned a dynamic, continually updated database of officer performance data that would allow the LASD to manage its employees, risk, training, and policy more systematically.

Kolts recommended, and the Los Angeles County Board of Supervisors subsequently mandated, that the Department construct an early identification system to assist supervisors in identifying potential “problem officers” through behavior trends and intervening, especially via training or counseling, in such cases.

Special Counsel’s **First Semiannual Report** reported significant progress in the initial development a system that the LASD contended, and we concurred, was “the most sophisticated computer tracking system of its kind.”<sup>5</sup> The **Second Semiannual Report** noted additional progress toward operational functionality, though it identified ongoing fears among deputies that managers would misuse the PPI and uncertainty among captains and other managers about how to use the system. The **Ninth Semiannual Report** examined continuing officer fears that cursory assessments of an officer’s amassed “tick marks” within the PPI were substituting for more comprehensive and conscientious considerations of an officer’s performance history.

In the **Eleventh Semiannual Report**, we highlighted our concerns that the LASD was contemplating comprehensive changes to the PPI that would limit its usefulness, by removing both data older than five years and administrative investigations leading to unfounded and exonerated dispositions from an officer’s PPI profile. The **Twelfth Semiannual Report** reported on an agreement, reached between the Sheriff and Special Counsel in response to the **Eleventh Semiannual Report**, stipulating that all data would be retained indefinitely in the PPI. It clarified how supervisors and managers should use information from the PPI in personnel decisions.

In our **Sixteenth Semiannual Report**, we reported on delays and other deficiencies in the documentation, investigation, and entry of use of force and citizen’s complaint data to the PPI system. We noted a widespread lack of knowledge as to the powerful capabilities of the PPI database. We also reported on 26 additional performance indicators that other departments’ early intervention systems tracked but that the PPI, as of our February 2003 writing, did not. We urged the Department, in order to ensure that the PPI remain at the forefront of law enforcement innovation, to expand the PPI to include the enumerated categories. We still do.

<sup>4</sup> “Los Angeles County Sheriff’s Department: Report by Special Counsel James G. Kolts and Staff,” July 1992, 70

<sup>5</sup> First Semiannual Report, 25

The Department has made no significant changes to the PPI in the more than six years since our initial recommendations for expansion, which we reiterated in our **Eighteenth Semiannual Report**. We delineate later in this chapter three specific performance areas, as well as an additional means of data analysis or display, that should be added to the PPI without delay.

Originally scheduled to be completed in October 1993, the PPI became fully *operationally functional* on March 27, 1997; that is, the PPI was activated at that time for Department-wide, ongoing, and interactive use and real-time update. While the Department did not begin to use the PPI on a regular, Department-wide basis until March 1997, the PPI can be considered to be *informationally functional* as of the end of August 1992, as it is from this date that all historical data across all major database modules can be assured to have been entered.<sup>6</sup>

## II. Assumptions of the PPI Model

In a February 1994 bulletin to Department personnel about the development and implementation of the PPI, then-Sheriff Sherman Block, echoing Judge Kolts, noted that the enhanced “accessibility” to the “centralized, indexed storage of” information about officer behavior inherent in the PPI would enable the Department to “facilitate risk management,” to “enhance managerial accountability,” and to assess employee performance more meticulously. The Sheriff’s argument speaks to the primary assumptions behind the development and use of the PPI—and similar computerized, “early intervention” database of officer performance data of other law enforcement agencies.

One assumption is that the PPI indexes a comprehensive set of accurate information about officer performance. A database is only as good as the quality of the data that it summarizes and organizes, and, accordingly, many of our previous discussions of the PPI have focused on ensuring that it comprehensively indexes data derived from thorough documentation and objective investigations and is inputted to the system in a timely manner. As our most recent treatment of citizen’s complaint and unit-level investigations in the **Twenty-Third Semiannual Report** indicated, the quality of the documentation and investigations that form the foundation of the PPI has increased appreciably since the system’s initial implementation.

Another assumption is that managers thoughtfully, appropriately, and regularly consult and use the PPI. We have commented extensively in our early reports about managers’

<sup>6</sup> Administrative investigations since at least 1988 are reflected in the PPI. The PPI reflects all civil claims and lawsuits that were active as of August 1992 and all claims and lawsuits received since. Public complaint and commendations made prior to February 19, 1992 are not reflected in the PPI. We understand the use of force and officer-involved shooting modules to be complete and accurate from at least August 1992.



evolving perceptions of the PPI and the Department's development of clear "management guidelines" for use of the PPI that properly position it as a "tool for inquiry, investigation, and, if necessary, for intervention" without minimizing the value of comprehensive, context-based analysis by those seasoned managers.<sup>7</sup>

With increasing confidence, then, in the data it contains and the Department's understanding of its capabilities and appropriate use, we can examine now, for the first time, what may be the primary assumption of the PPI: that it helps the Department to "identify problematic employees" by organizing, summarizing, and relating different types of performance.<sup>8</sup> That is, the assumption is that an officer's undesirable behavior in one performance area is, at the least, likely to be strongly related to, or set the occasion for, undesirable performance in other areas. An officer's performance in one performance category does not exist in isolation; instead, it is related dynamically to other performance areas. This allows the Department, by systematically reviewing a centralized clearinghouse of officer performance data, to identify specific "officers of interest"—defined here as officers with a propensity for exposing the Department to financial risk, harming the Department's reputation and relationship with the community, or otherwise performing in a manner that negatively impacts the Department's ability to execute its mission.

This premise—that the value of the PPI rests in its ability to reveal relationships between an incidence of substandard performance or misconduct in one area and other substandard behavior—can be observed in how the Department both talks about and uses the PPI. For example:

- In Sheriff Baca's introduction to a set of guidelines and manual sections relating to PPI use released in 1999, he notes that, prior to the PPI, "few records on other aspects of personnel performance were maintained or linked with...[the] frequency or level of force used, frequency or categories of complaints received..., lawsuits and claims..., shooting incidents..., [and] investigations."<sup>9</sup> The linkages, relationships, or trends among various performances indicators in the database "indicate employees' behavioral tendencies."<sup>10</sup>
- The primary formal, Department-wide means of using the PPI to identify potential officers of interest is via the monthly querying of the database by the staff of the Per-

<sup>7</sup> Second Semiannual Report, 60.

<sup>8</sup> Baca, Leroy, "Personnel Performance Index (PPI): Guidelines and Manual," 23 September 1999, 1.

<sup>9</sup> Baca, Leroy, "Personnel Performance Index (PPI): Guidelines and Manual," 23 September 1999, 1.

<sup>10</sup> Baca, Leroy, "Personnel Performance Index (PPI): Guidelines and Manual," 23 September 1999, 1.



formance Mentoring Committee, the program that considers officers for inclusion in a sustained behavioral intervention program, according to specifically codified “thresholds”—or quantified officer activity levels for a set of several performance indicators, including:

- complaints;<sup>11</sup>
- complaints alleging improper detention, search, and arrest;
- complaints alleging dishonesty;
- uses of significant force;
- uses of less than significant force (excluding OC spray);
- use of less than significant force involving OC spray;
- founded administrative investigations resulting in a recommendation of a suspension of six or more days and involving a violation of policies relating to: unnecessary use of force; use of firearms; alcohol use, obedience to laws, regulations, and/or standards; performance to standards; and the policy of equality; and
- shootings.

These “thresholds” do not address every performance category within the PPI. Instead, they focus on classes and sub-classes of officer behaviors that are assumed to be most associated with, or potentially predictive of, an officer being a prospective officer of interest. The “thresholds” assume, for instance, that complaints specifically alleging improper detention and dishonesty are related to other substandard performance, and are thereby more revealing of a nascent officer of interest, in way that other categories of complaints inherently are not. The nature of the complaints, taken in isolation, is not the focus; they have already been investigated and adjudicated based on the merits. Instead, the “thresholds” suppose that, independent of the isolated case and its merits, those specific complaints might suggest a larger pattern or trend in performance that, in turn, might, if left unaddressed, set the occasion for an officer becoming an “officer of interest.”<sup>12</sup>

<sup>11</sup> As we report in greater detail in Chapter 2, complaint investigations with “exonerated” or “unfounded” dispositions are excluded from consideration for purposes of the performance mentoring “thresholds.”

<sup>12</sup> An ongoing or recurring performance deficiency, concerning a single issue or class of performance, is certainly as potentially problematic as more generalized performance issues across categories. The Department’s system of progressive discipline—in which an officer receives more discipline if the officer receives a “founded” disposition for an allegation type for which the officer had, in a previous investigation, also received a “founded” disposition—addresses, in part, this kind of performance trend. The Performance Mentoring Program, however, is concerned with whether an officer’s substandard performance in one area is related to substandard performance in another area in a manner that suggests the officer to be an officer of interest for the Department.

The next chapter of this Report examines specifically the Performance Mentoring Program, where we assess one other, related assumption of the PPI: that the Department can change the performance of an officer of interest, once identified through the PPI, via a behavioral intervention program.

The remainder of this chapter tests the assumption that an officer's performance in one area, category, or type of performance indicator indeed is related to performance in others such that the PPI can identify potential officers of interest. It explores precisely what these relationships might be. For instance, do officers who have used force in a greater number of incidents employ lethal force more often—or is an officer's general use of force history unrelated to the likelihood that he or she will use lethal force? Do officers who have come under internal investigation for employment-related matters, such as absence, perform independently well in their daily interactions with citizens—or do they also have a greater number of citizen's complaints? Are officers with a higher number of complaints from members of the public the subject of a higher number of law-suits, as well?

### **III. Methodology**

To consider the potential relationships between the classes of information that the PPI tracks, we employ a statistical method called multivariate linear regression, which is “the most widely used vehicle for empirical analysis in economics and other social sciences.”<sup>13</sup> The theory behind this form of analysis involves a wealth of highly technical, mathematical theory. We explain briefly here, in more straightforward terms, what regression does, what it does not do, and precisely how it can tell us whether, and by how much, one performance area tracked by the PPI is related to another.

Multiple regression analysis explores “the relationship between two or more variables,” revealing the statistical “changes” that one variable exerts over another.<sup>14</sup> More specifically, it “allows us to *explicitly* control for many other factors which simultaneously affect the dependent variable,” essentially permitting “us to do in nonexperimental environments what natural scientists are able to do in a controlled laboratory setting: keep other factors fixed” so that we know that effects are related to associations among specific variables and not others, as well.<sup>15</sup>

<sup>13</sup> Wooldridge, Jeffrey M, *Introductory Econometrics*, Mason, OH: South-Western College Publishing, 2002, 65.

<sup>14</sup> Rubinfeld, Daniel L, “Reference Guide on Multiple Regression,” *Reference Manual on Scientific Evidence*, 2<sup>nd</sup> Edition, 181..

<sup>15</sup> Wooldridge, Jeffrey M, *Introductory Econometrics*, Mason, OH: South-Western College Publishing, 2002, 74, 65

For instance, we might want to know if, and by how much, having been involved in more shootings is related to a higher number of lawsuits while isolating out the effects of any other potentially closely associated factor—like, for example, complaints. We would want to hold the number of complaints constant, or, crudely, examine the effects of shootings on lawsuits assuming that all officers had an equal number of complaints.

Multiple regression analysis allows us to say that, after taking into account other variables by holding them constant, an increase or decrease in one thing relates to, on average, an increase or decrease of a specific amount in something else, regardless of any other changes in other variables. Continuing the above example, we can determine, after holding the effects of other variables (including number of complaints, length of career, and a host of others derived from the PPI) constant, for the present study that being involved in four shootings is, on average, related to being the subject of one additional lawsuit.<sup>16 17</sup>

The specific, numerical results that we report in this chapter can all be considered equivalents of *average* values for the Department as a whole. That is, they allow us to say that, in general, a specific number of incidents or level of activity in one PPI category is associated with a decrease or increase in another. A particular officer may or may not follow the average values.

This regression technique does *not*, in any way, allow for the formulation of absolute predictions for specific officers. The results presented here cannot predict what a specific given officer is more likely to do *in the future*.<sup>18</sup> **In other words, we cannot predict that Officer Jones will become involved in a shooting because he has five allegations of excessive force. We can say that five allegations of excessive force for officers in general are related to officers being involved in an additional shooting.** The statistics that we cite in this chapter reflect relationships among types of performance across officers' careers, as reflected in the PPI when we queried it in April 2009, and do not speak to whether specific types of performance at specific times influence other specific types at later times.

Our advice to managers and the Department should not be taken, then, to suggest that an officer with certain performance attributes will automatically exhibit those problem-

<sup>16</sup> This might also be commonly reported by saying that one shooting would generally be associated with an increase of approximately 0.25 lawsuits.

<sup>17</sup> Statisticians should be advised that, to maximize the accessibility of the presentation our findings, we state our findings throughout this report primarily in whole numbers. For instance, this finding is derived from transforming the finding of a statistically significant 0.23 coefficient for shootings where it is an explanatory variable for lawsuits.

<sup>18</sup> A separate, more sophisticated technique called time series forecasting would be necessary for this. While this technique was initially contemplated, the task of manually entering dates to correspond to each individual data point captured by the PPI would have required an excess of time and labor.

atic trends or necessarily be at extraordinary risk of significant substandard behavior. Instead, we present our data as a description of what many officers have experienced throughout their careers and a recommendation that managers consider those general, aggregate trends in evaluating an officer.

The method described above can accurately describe a population only when analyzing data for the whole of the population or, if not, analyzing a sub-set of a population that is representative of that population. We can say that our results accurately reflect officers in the Sheriff's Department as a whole only if we use all officers in the Department or, alternatively, an unbiased, representative sample, of a large enough size, of officers in the Department.<sup>19</sup> The most common means of attempting to ensure that a sample is representative and unbiased is to select individuals for the sample at random. For the present study, we employ such a random, representative sample. (We describe the process for establishing this sample below.)

When using a sample to characterize a broader population—or, in this case, a subset of sworn employees to represent all sworn employees—there is always a risk that, even if derived from random, there will be something about the sample that is not actually representative of the whole. For this reason, we compute a measure of statistical significance. This measure of significance refers to the “percent chance that a relationship found in the data is just due to an unlucky sample,” or one that is not actually reflective of the population as a whole such that, “if we took another sample, we might find” a different, or no, relationship between variables.<sup>20</sup> The generally accepted “gold standard” level of statistical significance is the 0.05 level, which allow us to say that we are 95 percent confident that a relationship of a value at least as strong as the one derived actually exists. If a statistic does not reach this level of significance, we say that a statistical relationship is not present.

For purposes of this report, we exclusively utilize a 95 percent level of statistical significance. In each instance where we point to specific statistical relationships between variables, they are at the 95 percent level of significance or above.

<sup>19</sup> Determination of whether a sample is big enough so as to ensure that it is not somehow unrepresentative of a larger population requires a series of standard mathematical formulas.

<sup>20</sup> Garson, G. David (2009), “Sampling,” from *Statnotes: Topics in Multivariate Analysis*. Retrieved 04 June 2009 from <http://faculty.chass.ncsu.edu/garson/pa765/statnote.htm>.

## **A. Nature and Summary of the Sample**

Because the standard, “front-end” PPI user interface that managers and supervisors employ is geared toward daily management needs rather than statistical inquiry, we could not simply query the PPI using that standard means. Similarly, because the PPI is a unique, proprietary database, we were unable to transfer data automatically from the PPI to a computer program that would permit the more complex statistical analysis necessary. Instead, we inputted PPI data for a random, statistically significant sample of all sworn, full- officers, with at least three years’ worth of data within the PPI system, into a standard computer statistics program.

We first randomly selected 850 officers, based on unique employee numbers, from a comprehensive list of all sworn employees who have PPI records. This list, generated by Data Systems Bureau, included both active officers and inactive ones (i.e. retired, discharged, or otherwise no longer in the department’s employ) from August 1992 to the present.<sup>21</sup>

To ensure that the sample included full-time deputies for whom the PPI could capture a range of performance-related attributes and the relationships between them, we excluded three groups of officers from our sample. First, we excluded reserve deputies from our sample, as such employees work for the LASD in a more limited, part-time capacity. We selected three years as the minimum duration that could reveal associations and performance trends, if present. Accordingly, we excluded officers too new to the LASD to have three years’ worth of PPI data; that is, we excluded officers employed by the Department for less than three years. Finally, we excluded officers who became inactive—whether due to retirement, discharge, or other voluntary and involuntary departure—within the three years after which the PPI database can be considered to be *informationally functional*, or the end of 1992, for reasons described previously. For these second and third groups, we used date of hire information that we received from the Personnel Administration, as the PPI database does not capture an employee’s dates of hire and separation.

From our initial set of 850 officers, we excluded 79 reserve deputies and 192 deputies who lacked three years of data in the PPI—89 officers because they were too new to the department and 103 because they left the department too soon after PPI can be considered as *informationally functional* in August 1992. Seventeen other individuals were eliminated from the sample because of missing or otherwise unreliable dates of hire or

<sup>21</sup> Officers who left the department prior to August 1992, the point at which the PPI does not systematically capture data across the various categories, do not have PPI entries and were not included in the sample.

separation information. The Sheriff was excluded from the sample on the grounds that his inclusion would unfairly skew the results, primarily because he is named in a great majority of all lawsuits against the LASD.

Our final sample consists of 561 randomly selected, full-time officers who have at least three years' worth of data in the PPI database. We queried the PPI for their complete performance histories at the end of April 2009. The sample is a representative cross-section of the department as a whole. About 80 percent (or 448 officers) are deputies, 14 percent (or 79 officers) are sergeants, and four percent (or 23 officers) are lieutenants.

## **B. Variables**

For each officer in the sample, we recorded data from the PPI across the following categories:

- *Administrative Investigations.* Administrative investigations are formal internal investigations conducted either by the Internal Affairs (IA) division or by the involved officer's unit.

For each officer, we considered:

- *Total number of administrative investigations.* The total number of administrative investigations for which each officer was the subject. On average, officers in our sample were the subject of a little more than one (or 1.29) administrative investigations.
- *Total number of administrative investigation disposition types.* The total number of the various dispositions received by an officer in the various administrative investigations for which the officer was the subject.

Each administrative investigation consists of one or more individual allegations of specific policy violations or misconduct. Each allegation receives an individual disposition: "exonerated," where the allegation is proven by "clear and convincing evidence" to be demonstrably false (or where the allegation, even if true, would nevertheless not constitute a policy violation); "founded," where the allegation is determined by a preponderance of the evidence to be true; "unfounded," where the preponderance of the evidence fails to establish the allegation as true; and "unresolved," in instances where the investigation cannot resolve conflicting factual accounts or encounters major investigative difficulties.

The disposition for the overall administrative investigation is the most serious al-



legation disposition, with “unresolved” allegations more serious than “unfounded” and “founded” more serious than both “unfounded” and “unresolved” dispositions. The disposition reflected in the PPI is the final disposition, subsequent to any changes, appeals, or grievances.

Officers in the sample had an average of a little less than one (or 0.76) “founded” administrative investigations, about 0.24 “unfounded” investigations, and 0.16 “unresolved” investigations.

- *Discipline.* The discipline that the officer received pursuant to an administrative investigation, if applicable, including: none, where no discipline was imposed; written reprimand, where a formal administrative letter was sent to the officer; counseling; or suspension. Discharge and demotion were also considered to be discipline outcomes.

Because the printed PPI summary does not track the number of suspension days that an officer either initially receives or ultimately serves as a result of a founded adjudication, the discipline variable considers only the type of discipline, not the relative length of any suspension time received. About 28 percent of officers in our sample served one or more suspensions in connection with an administrative investigation; about 22 percent of officers received one or more written reprimands.

- *Allegation Type.* The specific violations of department policy, or “charges” of misconduct, contained within each administrative investigation. Many administrative investigations involve multiple allegations of misconduct such that an officer may have a higher number of allegations than administrative investigations.

Officers in the data set were the subject of a combined total of 1,596 separate allegations, which included over 105 separate allegation types; that is, the employees in the sample were, overall, investigated for 105 discrete kinds of policy violations.<sup>22</sup> Our analysis focuses on the most commonly occurring allegation types.

<sup>22</sup> “Obedience to laws and regulations” was the most common allegation type, followed by “General Behavior,” “Performance to Standards, and Conduct Toward Others.”

The administrative investigation allegation types considered were:

- *Absence*
- *Conduct toward others*
- *Derogatory language*
- *Failure to make statements.* Includes “failure to make statements” and “failure to make statements/false statements” allegation types.
- *Failure to report.* Includes “failure to report,” “failure to report the use of force,” “reporting information,” and “reporting/failure to report” allegation types.
- *False statements.*
- *General behavior.*
- *Obedience to laws/regulations.* Includes all obedience to law allegation subtypes, including “obedience to laws/DUI,” “obedience to laws/theft,” “obedience to laws, regulations,” and “obedience to laws, standards.”
- *Performance of duty.*
- *Performance to standards.*
- *POE violations.* Includes all POE and POE-related allegations, including “POE—Discrimination,” “POE—Discriminatory Harassment,” “POE—Duties of Supervisors,” “POE—Inappropriate Conduct,” “POE—Retaliation,” “POE—Sexual Harassment,” “Sexual Harassment,” and “Sexual Harassment and Retaliation.”
- *Safeguarding persons in custody.*
- *Shooting requirements.* Includes “shooting requirements” and “failure to shoot/qualify.”
- *Unreasonable force.*
- *Use of force.* Includes the “use of force” allegation type.



- *Use of force (including use of firearms and deadly force).* Includes “use of force” and “use of firearms and deadly force” allegation types.

“Obedience to laws and regulations” was the most common allegation type among the officers in the sample, with more than one-third (or 183 officers ) being investigated for such an allegation over the course of their careers. About 17 percent of officers had faced allegations related to “general behavior,” and nearly 16 percent had been investigated for “conduct toward others.”

- *Allegations per disposition.* A “combination” variable that tallies the incidence of each of the above outlined allegation types combined with, or according to, their ultimate disposition and outcome. This variable tallies, for instance, all instances of founded “performance to standards” allegations or unresolved “unreasonable force” incidents.
- *Civil claims.* Civil claims are claims against the Department for monetary compensation that are handled administratively and often tied to allegations of damage that the Department can objectively confirm or refute.<sup>23</sup> In instances where the LASD does compensate individuals who have filed claims, the magnitude of compensation is generally at a far lower level than lawsuits.
  - *Total number of civil claims.* The total number of civil claims in which an officer was involved, regardless of whether the department approved, settled, denied, dismissed, or closed investigation of the claim. On average, each officer was the subject of 1.08 claims.
  - *Total number of civil claim payouts.* The total number of civil claims that were approved or settled in which the department paid money. On average, money was paid out in one of every three claims filed against those in the sample.
  - *Cause of action.* The category denoted as the primary cause of action, analogous to an “allegation type,” within the PPI.<sup>24</sup>
- *Lawsuits.*
  - *Total number of lawsuits.* The total number of lawsuits in which an officer was involved, regardless of whether the lawsuit cost the County money as the result of settlement or verdict. On average, slightly more than one in every three officers is named in lawsuits.

<sup>23</sup> In some instances, civil claims may be a precursor, or a necessary precondition for, filing a lawsuit.

<sup>24</sup> We were not uniformly certain that the cause of action denoted in the PPI as the “primary” cause was indeed the most pertinent or important cause and not simply the first of many causes of action that was listed as “primary” because it came first in an alphabetical listing. Accordingly, we consider this data sparingly.

- *Total number of lawsuit payouts.* The total number of lawsuits in which the County paid money to the plaintiff as a result of settlement or verdict. On average, fewer than one in five officers is named in lawsuits requiring compensation.
- *Cause of action.* The category denoted as the primary cause of action, analogous to an “allegation type,” within the PPI.<sup>25</sup>
- *Use of Force.* The PPI tracks all reportable use of force, which, per Department policy, includes “any use of force which is greater than that required for unresisted Department-approved searching or handcuffing” and “any use of force which results in an injury or complaint of pain.”<sup>26</sup>
  - *Total number of incidents using force.* The number of incidents in a given officer’s career in which he or she has been documented as using force. While officers can and do use multiple types of force on the same individual during the same incident, this particular measure refers to the number of overall situations in which an officer used force, as reflected by a separate entry in the PPI database.

In our sample, 105 officers had no incidents documented in the PPI where they used force. Another 241 officers used force more than once but on fewer than five occasions. An additional 99 officers had used force between six and ten times. 78 officers had used force between eleven and twenty times, with the remaining 46 officers using force on 21 or more occasions.

- *Frequency of force types.* The number of times that an officer used a specific force option. An officer often uses more than one type of force in a given incident such that, for instance, an officer may have two documented uses of a “personal weapon,” for the same incident within PPI. That officer, for this data set, would be considered as having used a “personal weapon” twice, for the number of occasions that the officer used the force option, not the number of incidents during which the officer employed it.

The most common force types were control holds (specific physical maneuvers to subdue a resistive subject), personal weapons (such as strikes, kicks, or blows),

<sup>25</sup> As with civil claims, we cannot be certain that the cause of action listed as “primary” within the PPI was listed as such because it was, indeed, the primary cause of action or simply because it was first in alphabetical listing. We refer to and use this variable sparingly in our analysis.

<sup>26</sup> As of January 1997, the PPI has tracked whether or not the force used was “directed force,” where an officer is instructed by a supervisor to use force or uses force as part of a specialized operation or team. The Department elected to “default” all force incidents prior to January 1997 for all employees to “non-directed.” Because our sample considers officer performance, and force, prior to January 1997, as well, the present study does not differentiate whether force was directed.

chemical agents (or OC spray), and restraining devices (which most commonly include handcuffs).<sup>27</sup>

- *Number of officer-involved shootings.* The total number of incidents in which a given officer used lethal force. This variable does not capture any information about the nature of a shooting or the circumstances surrounding it. About nine percent of officers in our sample (or 51 officers total) were involved in at least one shooting, with a significant majority (or 40) of those officers having only been involved in one shooting.
- *Service comment reports.* All input from the public, per LASD policy, must be recorded on a specific, individually numbered form, the Watch Commander's Service Comment Report (SCR) and is classified as a personnel complaint (a complaint against specific personnel); a service complaint (a complaint about the general policies or practices of the LASD that do not involve specific allegations against particular officers); or commendation (a positive comment about an employee's performance).<sup>28</sup>
  - *Total number of complaints.* The total number of instances in which an officer has been the subject of an SCR complaint, regardless of the outcome or disposition of the investigation. The average number of total complaints for officers was 3.15 complaints.
  - *Complaint type.* The total number of complaint types, of those that appear on the standardized SCR form, for which an officer has been the subject including: criminal conduct; discourtesy; discrimination; dishonesty; harassment; improper detention, search or arrest; improper tactics; neglect of duty; off-duty conduct; operation of vehicles; unreasonable force; or other. An individual complaint, and complaint investigation, may involve multiple complaint types. "Discourtesy" was, by far, the most common complaint type, with officers averaging 1.57 discourtesy complaints. The next most common types were "improper detention" (with officers averaging 0.53 such complaints) and "neglect of duty" (with officers averaging 0.30 complaints).
  - *Disposition.* The total numbers of each of the SCR investigation dispositions that an officer has received. Dispositions in SCR investigations include:

<sup>27</sup> Other force types considered within the PPI were: choke holds, carotid restraints, the 37 MM stinger, flashbang, flashlight, stingball, ARWEN, "resistance," shield, Taser, sap, baton, stunbag, Handler 12, canine, explosives, and "uncooperative." We note that some of these force types appear to be coding errors, with suspect behavior transposed for officer behavior. We analyzed the data, however, precisely as it appears within the PPI.

<sup>28</sup> A full account of the process for intake, investigation, and adjudication of citizen's complaints can be found in the **Twenty-Third Semiannual Report**.

- *reasonable*, where the investigation reveals that an employee's actions were in compliance with procedures, policies, guidelines, or training
  - *employee conduct should have been different*, where the investigation reveals that an employee's actions were not in compliance with procedures, policies, guidelines, or training
  - *employee conduct could have been better*, where the employee's actions were found to be in technical compliance with standards but where potential for different or additional tactics to help minimize the chances of complaint and maximize public satisfaction is noted.
  - *unable to make a determination*, where the investigation reveals insufficient evidence to corroborate one version of facts. This disposition is most often used in "he said, she said" cases where the investigation centers on diverging accounts of the same incident, but it can also be used if the complainant cannot be contacted.
  - *exonerated*, where the investigation reveals the complaint to be established, "by clear and convincing evidence," to be false.
  - *conflict resolution*, where the complaint has set the occasion for a voluntary conflict resolution session between the complainant and the involved officer.
  - *review complete*, a disposition denoted in the PPI for older SCR investigations.
- *Public commendations*. Commendations from individuals outside the Department, including citizens (via the SCR report) and law enforcement professionals from other departments or agencies. This variable was used primarily as a means for gauging, and controlling for, an officer's frequency of interaction with the general public.

The PPI tracks two other performance indicators that we did not include on our data set: operational vehicle investigations and employee commendations and awards. Vehicle investigations were not considered because such investigations are no longer tracked in the PPI; the Department now uses a "points"-based discipline system for incidents involving misconduct restricted to improper use of Department vehicles. Employee commendations and awards, or internal commendations, were not considered due to

some variability in the standards for the distribution of such recognition over the time period studied and because this report focuses on the relationships between various risk factors—of which employee commendations is not.<sup>29</sup>

We also recorded *the length of an officer's career*, in whole and fractions of years, and *the length of time for which an officer has data in the PPI*. This second variable, length of time in the PPI, allowed us to control for the possibility that officers who were hired subsequent to the implementation of PPI, with their whole careers recorded in PPI, would appear more active than those veterans who the Department employed prior to the advent of the PPI who would have a part of their career not captured within the database. All results below controlled for both variables throughout our analysis; all of our analysis accounted for the possibility that officers who have served longer may have higher levels of activity across performance areas simply by having a greater number of interactions with the public and peers.

### **III. Analysis of the PPI: What Managers Should Consider When Evaluating Individual Officers**

Our results disprove the idea that the PPI does not reflect relationships. The pieces of performance data that the system captures do relate dynamically to other pieces of performance data. The PPI does what it was intended to do. The evidence that the PPI is working and capable of revealing trends in officer behavior is in the multitude of performance indicators that are systematically and strongly associated with increases, and, in limited cases, decreases, in the frequency of other types of performance.

We now go through each of the major performance indicators that the PPI tracks—administrative investigations, lawsuits, shootings, force, citizen's complaints, and claims—and report on what other performance or behavior is, on average, associated with a higher level of that performance. The most important indicators are discussed below in the text; remaining indicators are discussed in Appendix A to this Report. Each section provides managers with a list of all performance areas tracked by the PPI that are especially associated with increases in activity for one of the major areas. While we continue to advocate that managers use the PPI in concert with a qualitative assessment of an employee's history and their own judgments, we urge managers, when considering whether a specific officer might be at risk to become an "officer of interest," to pay particular attention to those performance areas listed here.

<sup>29</sup> As noted above, public commendations and complaints were included in the data set primarily as a way of gauging officer activity level.

The list includes all relationships between various performance indicators within the PPI that are statistically significant—or those for which our level of confidence that the results are systematic and not simply random is 95 percent or higher—and even remotely practically significant—or those relationships for which one could draw an explanation based on a specific cause and effect relationship rather than merely a circumstantial one.<sup>30</sup> Where a given performance indicator (or variable of those outlined above) is not listed as related to the major performance area being discussed, a statistically significant relationship to the requisite level of confidence was not found.

We now provide for Department managers a full account of independent relationships among the major classes of performance indicators that the PPI tracks: administrative investigations, lawsuits, shootings, force, citizen’s complaints, and claims.

#### **A.     *Founded Administrative Investigations***

Managers who are interested in discerning what officers may be at risk for a higher number of “founded” administrative investigations, or internal investigations in which the officer has been determined to have violated Department policy, should look specifically at the following areas of performance, which are all associated with more “founded” administrative investigations:<sup>31</sup>

- *Civil claims.* Slightly less than 10 civil claims are independently associated with an officer receiving one “founded” administrative investigation.
- *Citizen’s complaint.* A little more than 10 citizen’s complaints are related to one “founded” administrative investigation. Two specific complaint types and a disposition type are more related than the total number of complaints generally:
  - *Unreasonable force.* About 3.3 complaints by citizens that an officer used “unreasonable force” are associated, on average, with one additional “founded” investigation.

<sup>30</sup> Rubinfeld, Daniel L, “Reference Guide on Multiple Regression,” *Reference Manual on Scientific Evidence*, 2<sup>nd</sup> Edition, 191. For instance, a statistically significant relationship exists between officers with “pending” administrative investigations and a higher frequency of force, with one such investigation technically associated with 7.31 investigations. No compelling causal explanation can be drawn to explain this, however; there is nothing particularly special, on its face, about being the subject of an investigation that happens to be ongoing still. The relationship may not be completely random, but it is entirely happenstance or circumstantial.

Another example, in another context, would be a statistical finding that being left-handed was statistically associated with living on a particular city block. Suggesting that being left-handed was the cause of those individuals living on that block would be nonsensical; instead, this relationship is merely circumstantial.

<sup>31</sup> Our analysis also determined that the number of years of data for a given officer reflected in the PPI, but not the officer’s total career length, is mildly related to a higher number of “founded” investigations. Because we analyzed this variable as a methodological “control” variable, we do not advocate that managers give weight to this relationship when considering what employees might be at greater risk for a higher number of “founded” administrative investigations.



- *Off-duty conduct.* Two allegations of an officer engaging in improper “off-duty conduct” is associated with an officer receiving a “founded” investigation.
- *“Should have been different” dispositions.* On average, an officer for whom four SCR investigations, for any complaint type, have determined that his or her behavior “should have been different” has one more “founded” administrative investigation.
- *Use of force.* A large number of force incidents are related to an increase in an officer’s number of “founded” administrative investigations.<sup>32</sup>

Managers should also keep in mind that two areas of performance tend to *decrease* an officer’s total number of “founded” administrative investigations:

- *“Exonerated” dispositions for SCR investigations.* An officer being the subject of three SCR investigations in which he or she has been “exonerated” is associated with one fewer “founded” administrative investigation.
- *Commendations.* More commendations are related to an increase in an officer’s total number of “founded” administrative investigations, with roughly thirty-three (33) public commendations corresponding to a decrease of one “founded” investigation.

## **B. Lawsuits Requiring Compensation**

For Department managers who are interested in determining if a given officer may be at risk for being the subject of a lawsuit requiring compensation, the following performance areas are associated with a higher numbers of lawsuits requiring some amount of payout:

- *Shootings.* A little over nine shootings is associated with an increase in one lawsuit requiring payout.<sup>33</sup>
- *Civil claims.* About 16.66 civil claims correspond to an increase in one lawsuit requiring payout.
- *Administrative investigations.* Being the subject of more administrative investigations relates mildly to being the subject of more lawsuits requiring compensation. Overall, about 20 administrative investigations generally equate to being involved in one additional lawsuit requiring payout.

<sup>32</sup> Taken independent of other variables, about 50 use of force incidents relate to an increase of one “founded” investigation (or about 0.02 “founded” investigations per use of force incident).

<sup>33</sup> As with many other associations, it is unlikely that any one officer will be involved in nine shootings. Instead, an officer’s record is influenced by a variety of factors, including variables not included in our analysis. The number here should be interpreted as a measure of the relative strength of the independent association between shootings and lawsuits requiring payouts; the same should be done with other associations.

- *“False statements” allegations.* An officer who has been alleged to have made “false statements,” regardless of the outcome of such allegations, tends to have more administrative investigations, with 2.5 allegations of “false statements” relating to an increase of one lawsuit in which money is paid.
- *“Unreasonable force” allegations.* About 2.5 “unreasonable force” allegations, regardless of disposition, also relate to an increase of one lawsuit requiring payout.
- *“Unresolved” administrative investigations.* A little more than 4.5 “unresolved” administrative investigations are associated with an increase of a lawsuit requiring payout.
- *“Unresolved” allegations.* Having more allegations in administrative investigations that have been deemed “unresolved” is associated with a mild increase in lawsuits requiring payout, with about 20 such allegations relating to an increase in one lawsuit requiring compensation. Two specific types of allegations, if they are deemed “unresolved,” are particularly associated with an increase in an officer’s number of lawsuits requiring compensation:
  - *Unreasonable force.* “Unresolved” allegations of “unreasonable force” are related, on average, to more than one (about 1.3) additional lawsuits requiring compensation.
  - *Obedience to laws/regulations.* A little less than three (or 2.8) “unresolved” allegations of “obedience to laws/regulations” are associated with one additional lawsuit requiring payout.
- *“Unfounded” allegations.* Officers with a higher number of total allegations judged “unfounded,” regardless of the nature of the allegation, tend to have a higher number of lawsuits, with about 16.7 “unfounded” allegations corresponding to an increase of one lawsuit. Three specific types of allegations, if they are deemed “unfounded,” are particularly associated with an increase in an officer’s number of lawsuits requiring compensation:
  - *False statements.* An officer with one “unfounded” allegation of having made “false statements” generally has about 1.1 lawsuits requiring payout.
  - *Performance to standards.* Approximately 2.8 “unfounded” “performance to standards” allegations are related to an increase in one lawsuit requiring com-



pensation.

- *Unreasonable force.* Close to two and a half (or 2.4) “unfounded” allegations of “unreasonable force” relate to an increase of one lawsuit requiring compensation.
- *“Exonerated” “conduct toward others” allegation.* An officer being “exonerated” in a “conduct toward others” allegation is associated with the officer being the subject of 1.5 additional lawsuits requiring payout.
- *Written reprimands.* An officer receiving between five and six (or about 5.6) written reprimands is related to one lawsuit requiring compensation.
- *Baton use.* A little more than three (or 3.33) uses of the baton relates to one lawsuit requiring payout.
- *Number of control holds used.* A little less than five (or 4.76) control holds is associated with one lawsuit requiring payout.
- *Conflict resolution in a civilian complaint.* Officers who utilize conflict resolution in an SCR investigation have more lawsuits requiring payout, with two uses of conflict resolution corresponding to one such lawsuit.
- *Length of career.* Each year that an officer is employed by the Department is associated with a very slight increase in the officer’s number of lawsuits requiring payout.<sup>33 34</sup>

### **C. Shootings**

Department managers who are interested in determining what officers might be at a higher risk to have already been involved in, or to be involved in, a shooting should consider the following performance areas, as they are all associated, on average, with an increase in an officer’s total number of shootings:

<sup>33</sup> One year on the force relates to 0.01 additional lawsuits requiring payout, such that it would require an officer to be employed by the Department for one hundred years for the length of an officer’s career to, by itself, relate to one additional lawsuit requiring payout.

<sup>34</sup> Some specific combinations of allegations and dispositions were associated with fewer lawsuits requiring payouts. Slightly more than one (or 1.25) “unresolved” “failure to make statements” allegations, and between two and three “unfounded” “failure to report” allegations (or 2.44), are both associated with one fewer lawsuit requiring compensation. Our data also indicates that officers with a greater number of “discourtesy” complaints from the public tend to have fewer lawsuits in which money is paid out, with a little more than seven (about 7.14) complaints related to a decrease of one such lawsuit. More frequent use of personal weapons is also related to fewer lawsuits requiring compensation, with about 33 uses of personal weapons associated with a decrease, in itself, of one such lawsuit.

- Within administrative investigations:
  - *“Use of force” (including firearms)”allegations.* Having more allegations of improper “use of force” is related to being involved in more shootings, with between four and five of these allegations corresponding to an increase of one shooting.
  - *“Unresolved” allegations.* Ten total “unresolved” allegations, regardless of type, are associated with one shooting.
  - *“Unfounded” allegations.* About ten total “unfounded” allegations, regardless of type, are associated with one shooting.
- *Demotion.* Based on our sample, officers who have been the subject of one demotion have been involved, on average, in more than one (or about 1.22) shootings.
- *“Unreasonable force” complaints.* Being the subject of between six and seven (or 6.67) citizen’s complaints alleging “unreasonable force” is associated with being involved in one shooting.
- *“Improper tactics” complaints.* An officer receiving about twelve and a half complaints for “improper tactics” generally corresponds to an increase of one shooting.
- *Lawsuits.* An officer’s total number of lawsuits, regardless of whether money was paid out or not, is related to the officer’s total number of shootings, such that being the subject of 20 lawsuits relates to an increase of one shooting.
  - *Negligent inflection of distress.* On average, an officer being accused of the “negligent inflection of distress” in a lawsuit is associated with being the subject of more than one (about 1.2) shootings.
  - *Excessive force.* Officers with more lawsuits alleging “excessive force” have been involved in more shootings, with about 5 such lawsuits relating to an increase of one shooting.
- *Use of force.* The number of incidents in which an officer has used force is related only very mildly to a shootings. By themselves, one hundred separate incidents requiring force are associated with one shooting.
  - *Number of control holds used.* Using control holds more frequently is mildly associ-

ated with a slightly higher number of shootings.<sup>35</sup>

- *Civil claims.* Officers with more civil claims have a slightly higher number of shootings.<sup>36</sup>

Individuals with higher numbers of citizen's complaints for "discourtesy" and who use restraint devices more quickly both have slightly *lower* overall numbers of shootings.<sup>37</sup>

#### **D. Force**

Managers who are attempting to identify which officers may have a greater likelihood of having used, or of continuing to use, force more frequently should consider the following performance areas, which are associated with an officer being involved in a higher number of incidents in which force is used:

- *Administrative Investigations.* Officers who have used force in more incidents tend to also be the subject of more administrative investigations, with between one and two administrative investigations (or about 1.63) associated with, on average, an additional force incident.
  - *"Founded" investigations.* A "founded" allegation in any administrative investigation is related to a higher frequency of force, with a little more than one (or 1.31) "founded" investigation associated with one additional incident in which force is used.
  - *Suspensions.* Officers who have been suspended as a result of an administrative investigation have, on average, used force in more incidents. One suspension is associated with an average increase of 1.6 force incidents.
  - Some specific allegation types in administrative investigations are particularly associated with a higher frequency of force:
    - *Performance to standards.* Each "performance to standards" allegation that an officer receives is related to an average increase of about 4.25 additional force incidents.
    - *Derogatory language.* One "derogatory language" allegation relates to an aver-

<sup>35</sup> One control hold is related to an increase of about 0.02 shootings, such that 50 control holds correspond to one shooting.

<sup>36</sup> About 25 civil claims correspond to an increase of one shooting.

<sup>37</sup> Every complaint of discourtesy relates to an officer having 0.01 fewer shootings (with 100 discourtesy complaints corresponding to one fewer overall shooting), and every use of a restraint device corresponds to an officer having 0.03 fewer shootings (with about 33 uses of restraint devices corresponding to being involved, on average, in one fewer shooting).

age increase of 3.2 force incidents.

- *Absence.* An “absence” allegation is associated with nearly three (about 2.9) force incidents.
- *Shooting.* Each shooting in which an officer is involved is related to an increase of 1.92 force incidents.
- *Civil claims.* A little less than two civil claims are associated with an increase of one force incident.
- *Citizen’s complaints.* Receiving two SCR complaints, regardless of the nature of the complaints, is associated with an increase of one use of force. Some specific types of allegations and dispositions are associated with even more significant increases in an officer’s number of force incidents:
  - *“Discrimination” complaints.* Each SCR alleging discrimination is associated with an officer having more than three (or 3.4) additional incidents using force.
  - *“Dishonesty” complaints.* Receiving one dishonesty complaint is related to nearly two (or about 1.9) incidents using force.
  - *“Harassment” complaints.* A complaint for harassment is associated with an average of 1.4 force incidents.
  - *“Unreasonable force” complaints.* A complaint of unreasonable force relates to about 1.4 additional force incidents.
  - *“Improper detention” complaints.* One complaint of improper detention is related to an increase of 1.3 force incidents.
  - *“Neglect of duty” complaints.* A complaint for neglect of duty is associated with a little less than one (or about 0.83) force incidents.
  - *“Exonerated” dispositions of complaints.* Being “exonerated” in an SCR investigation is related, on average, to 2.1 additional force incidents.
  - *“Reasonable” dispositions of complaints.* Each “reasonable” disposition in an SCR investigation is associated with more than one (or 1.16) force incident.
  - *“Unable to make a determination” dispositions of complaints.* Roughly one “unable to

make a determination” disposition is related to about one additional use of force incident.

Two areas of performance are related to *fewer* force incidents: the length of an officer’s career and being involved in conflict resolution of a citizen’s complaint. Every three-year interval that an officer has been employed by the Department is associated with one fewer force incident.<sup>38</sup> Participation in conflict resolution of citizen’s complaints is associated with more than six fewer force incidents.

#### **IV. Analysis of the PPI: What the Department Should Consider for Risk Management**

Managers evaluating an individual officer’s PPI to consider whether he or she may have the potential to be an “officer of interest” can and should consult the above lists of performance types that are systematically associated with higher frequencies of others. These specific relationships between the various performance areas also suggest multiple means by which the Department can improve its broader personnel and risk management functions across all officers. We offer five specific recommendations, based on the statistical findings outlined above, for how the Department, by changing the way that it uses the PPI as it is now constituted, can better harness the power of the personnel database and better identify potential areas of risk.

**Recommendation 1.1: The Department must, for purposes of risk management and performance review, consider all internal investigations, regardless of disposition.**

A higher number of “founded” administrative investigations are associated with higher levels of force, complaints, and claims. An officer’s total number of administrative investigations, “unresolved” dispositions, and “unfounded” dispositions are, however, all more systematically linked to other performance areas. Specifically:

- The total number of administrative investigations in which an officer has been involved, regardless of their dispositions, is related to a higher number of lawsuits, lawsuits requiring payout, complaints, “should have been different” and “unable to make a determination” complaint dispositions, civil claims, and claims requiring payout.
- “Unresolved” dispositions are related to higher numbers of lawsuits, lawsuits re-

<sup>38</sup> The length of time for which there is data in the PPI for a given officer is, however, associated with a higher frequency of force, suggesting that more senior officers who have transferred into senior management or less active assignments may be responsible for this relationship between longer careers and less overall force.

quiring payout, shootings, complaints judged “should have been different,” civil claims, and civil claims requiring payout.

- “Unfounded” dispositions are related to higher numbers of shootings, complaints, and complaints adjudicated as “unable to make a determination.”

Specific allegation types determined to be “unresolved” and “unfounded” in administrative investigations were also revealing of higher levels of several classes of performance activity.

Similarly, SCR investigations adjudicated “should have been different” are associated with higher levels of “founded” administrative investigations, while “could have been better” dispositions are not systematically associated with any other performance indicator. An officer’s total number of complaints, regardless of disposition, and number of complaints adjudicated as “unable to make a determination” are associated with higher numbers of other potentially noteworthy performance indicators:

- A higher number of citizen’s complaints, regardless of disposition, is associated with a higher number of total administrative investigations, “founded” administrative investigations, force incidents, claims, and claims requiring payout.
- “Unable to make a determination” SCR dispositions are associated with higher numbers of total administrative investigations, force incidents, claims, and claims requiring payout.

The Department, then, misses important information about performance trends among officers when it restricts its review of officer history to only those dispositions—“founded,” “should have been different,” and “could have been better”—indicating that some level of substandard performance has been established. The Department should eliminate the existing restrictions to considering only particular findings in the numerical “thresholds” used as a minimum baseline for considering more closely an officer for possible performance mentoring.

**Recommendation 1.2: The Department should consistently evaluate an employee’s performance across multiple performance indicators—including allegations of “false statements” and “false information,” “unresolved” administrative investigations, and “unable to make a determination”—for potential patterns of substandard candor that may warrant intervention.**

The results of our statistical investigation reveal a set of associations among allegations and dispositions that relate to, or hinge upon, the credibility of an officer's representations. Allegations of "false statements" and "false information" are related to greater numbers of "unable to make a determination" SCR investigation dispositions, and such dispositions are related to higher levels of activity across several notable performance indicators, as listed above.

The Department must accordingly not restrict its inquiry to whether an officer accused of making false representations has been the subject of exactly the same allegations or investigations with the same outcomes in the past. For instance, an officer accused of making "false statements" in an administrative investigation may never have been accused of doing so previously but nonetheless have several inconclusive investigation dispositions. The Department misses an important performance trend if it only looks to see if that officer has previously faced identical accusations in administrative investigations rather than looking more expansively at all performance indicators related to an officer's candor.

**Recommendation 1.3: The Department should monitor closely those officers who face "performance to standards," "derogatory language," "absence," "false statements," "unreasonable force," "use of force," and "Policy of Equality (POE)" allegations in administrative investigations to ensure that the allegation is not associated with more generalized substandard performance.**

Some specific allegations, regardless of their dispositions or ultimate outcome, were particularly related to higher levels of other potentially problematic behavior, including:

- "Policy of Equality" allegations, which were associated with an officer being the subject of more lawsuits and more claims;
- "performance to standards" allegations, which were associated with higher numbers of force incidents, complaints, and civil claims;
- "derogatory language" allegations, which were associated with higher numbers of force incidents; and
- "absence" allegations, which were associated with higher numbers of force incidents and civil claims.

The Department should give special scrutiny, therefore, to officers who are the subject of these specific allegations in administrative investigations. When considering an officer's



administrative investigation history in the context of risk management or performance mentoring, the Department should evaluate not only the general dispositions of the investigation but the unique dispositions associated with each individual allegation.

**Recommendation 1.4: The LASD should closely evaluate and monitor officers who are the subject of any investigation or complaint involving the improper or unreasonable use of force, whether those allegations are sustained or not.**

**Recommendation 1.5: The Department should, for the purpose of the performance mentoring program, include “unreasonable force” in the “thresholds” that it uses for determining what officers to assess more closely for possible inclusion in the program.**

Administrative and complaint investigations for allegations relating to improper or unreasonable force are especially associated with higher levels of activity across other performance indicators:

- “Unreasonable force” allegations in administrative investigations are associated with a higher average number of lawsuits, lawsuits requiring payout, and civil claims.
- “Use of force (including use of firearms and deadly force)” allegations are associated with a higher average number of lawsuits and shootings.
- “Use of force” allegations are associated with a higher average number of civil claims and claims paid out.
- Citizen’s complaints alleging “unreasonable force” are associated with higher levels of administrative investigations, “founded” administrative investigations, and force investigations.

Consequently, we recommend that the Department pay particular attention to any allegation, in any context, of improper or unreasonable force. We also recommend that it include an officer’s number of “unreasonable force” complaints as a performance mentoring “threshold.”



## **V. Improvements to the PPI**

Our analysis of the PPI indicates that an officer's performance in one area cannot be considered in isolation or independent from others; substandard behavior in one instance might reveal a propensity for substandard performance in other instances. The power of the PPI resides in its ability to summarize and synthesize to managers the relationships between various categories of performance such that an officer's propensity for substandard performance can be curbed before actual substandard performance costs the officer, the Department, or the community.

In its current form, and as we have shown, the PPI capably captures the essentials of officer performance—indicators that are the features of early intervention systems in many departments. Many elements of officer performance, and potential measures or statistics of that performance that could serve as important components of risk management, remain absent from the database, however. Potentially invaluable, additional means for identifying what officers might be at greater or lesser risk for what types of behaviors continue to be overlooked. Our **Sixteenth Semiannual Report** highlighted some 26 performance indicators that early intervention systems elsewhere then tracked, and we urged the wholesale addition of these indicators to the PPI such that the system would continue to be revolutionary rather than a relic.

**With the PPI continuing to capture almost entirely only what it did when the system was initially conceived more than 15 years ago, we offer three specific performance indicators that we urge strongly the Department to incorporate to the PPI and present on each officers' PPI summary reports: detention and arrest-related data, criminal investigations, inmate complaints, and data on warrantless stops and seizures.** We also recommend that the Department adopt a type of analysis, within the PPI, that enables managers at all levels to compare an officer's data with other similarly situated officers. We continue to advocate for the inclusion of all the additional data we recommended in the **Sixteenth Semiannual Report**.

### **A. Detention, Search, Seizure, and Arrest-Related Data**

Currently, the PPI tracks data on specific incidents that could be classified as “worst case scenarios”—those circumstances where an officer must use force to maintain the

safety of the officer, the public, or a suspect or where something else has been abnormal, or gone wrong, enough to warrant internal investigation, public complaint, or formal administrative or legal action. Most officers do not encounter these “worst case scenarios” with regularity. Indeed, as noted above, more than half of the officers in our representative sample had used force on five or fewer occasions, and most have been the subject of two or fewer administrative investigations.

Detaining, searching, and arresting individuals is, however, commonplace for many officers and is, in many regards, the most fundamental tool of law enforcement. A vast majority of these situations proceed without significant event—without generating a complaint or internal investigation or requiring force. Officers are, however, afforded significant latitude and discretion in determining who to detain, search, and arrest, and officers may be misusing such discretion and authority. Accordingly, the Department has an obligation to ensure that officers are using this discretion as effectively and responsibly as they could.

The LASD should devise a process wherein basic information about all stops and detentions can be easily recorded by officers and entered into the PPI. This information should include, at minimum, the location and time of the stop, demographic information about the individual being stopped, the officer’s reason for initiating the detention, and the outcome of the interaction.

The Department should devise specific mechanisms for tracking warrantless searches and seizures by individual officers. While the law allows officers to conduct searches of persons, vehicles, and locations without a warrant in certain situations, these are narrowly limited by specific criteria that must be accurately assessed and carefully articulated at the scene and in subsequent reports. Accordingly, the Department must obviously remain vigilant for those rare cases where an officer’s use of warrantless searches with inadequate justification is an indication of deliberate misconduct. Managers must ensure that the legal criteria for each type of warrantless search are being applied appropriately and legally in the field; a failure to do so could expose the Department to liability for Fourth Amendment violations and put prosecutions at risk for lack of admissible evidence. Managers should also review such incidents for possible deficiencies in judgment or tactics. We note in passing that the LAPD has the capacity to track stops, searches, and arrests in its analog to the PPI, called Teams II. In so doing, the LAPD carries out the requirements of paragraphs 104 and 105 of the fed-

eral consent decree. We urge the LASD to see to it that the PPI and the Department are not overshadowed by capacity built into the LAPD's Teams II.

Officers should be made even safer due to practical field and training insights that the Department can glean from systematic analysis of warrantless search and seizure data. Citizens can be better assured that the Department is ensuring that officers utilize their authority to search and seize judiciously.

We have been advocating since at least our **Twelfth Semiannual Report** for the PPI to log arrest data. We reiterate that recommendation here. In many ways, this is the most important component, but also, given existing reporting and paperwork practices inherent in the incident report, arrest, and booking process, the most straightforward component, to implement.

The Department should also track whether officer's arrests eventually leads to a filing and, where applicable, prosecution. While some factors beyond the appropriateness or quality of an arrest may influence whether the act of taking an individual into custody leads to successful prosecution, all officers will encounter these same variables over countless arrest. These will effectively cancel out the effects of those isolated instances in which a necessary, proper arrest fails to lead to a filing or successful prosecution or, conversely, where an improper or inappropriate arrest nonetheless resulted in successful prosecution.

An officer with a high percentage of filings or successful prosecutions among his or her arrests—especially that officer's filings or successful prosecutions per the same officer's total number of arrests—is one who may be performing at a higher level of decision-making and general tactical performance than one with a lower number.<sup>39</sup> An officer with a lower rate of filings or successful prosecutions per arrests might exhibit a propensity for substandard performance that consideration of other performance indicators might confirm.

Regardless of the form that it takes, efforts to capture stop and arrest data in the PPI will doubtlessly be rewarded. Officers will benefit from a performance database that captures their daily performance more comprehensively and focuses less on extreme circumstances. The Department will be able to better manage its risk—linking a wealth of data about what officers are and are not stopping, detaining, searching, and arresting what sorts of citizens (in what neighborhoods, at what times, and with what justifica-

<sup>39</sup>Using this statistic avoids the possibility that monitoring only an officer's filing or prosecution rate per 100 arrests, such that individual officers can be compared, might create an incentive for officers to only make arrests when they perceive it to be a "sure thing" and, in doing so, arrest fewer people total than they otherwise would.

tion) with additional information about an officer's citizen's complaints, uses of force, and other performance indicators. The public will benefit from the additional confidence that the Department is systematically analyzing the whole of an officer's significant interactions with citizens.

## **B. *Criminal Investigations***

In our **First Semiannual Report**, we urged the Department to track criminal investigations within a PPI module. In our **Sixteenth Semiannual Report**, we noted that an Investigations Module within PPI had been fashioned to refer to criminal investigations that the Internal Affairs Bureau (IAB) is currently monitoring such that, when the criminal investigation concludes, IAB can decide whether to conduct an administrative investigation. We noted then that such an arrangement was insufficient, as not all criminal investigations are necessarily monitored by IAB (with individuals within the Department generally affirmatively requesting such monitoring) and, even if they were, an officer's history of, as opposed to current or ongoing, criminal investigations does not appear in an officer's PPI summary report for the chain of command to incorporate into their risk and performance management activities.

We once again recommend strongly that the Department formally and systematically incorporate a mechanism for tracking all criminal investigations that is dynamically linked to, or at least regularly updated and monitored by, the Department's Internal Criminal Investigations Bureau (ICIB). The whole of an officer's history of criminal investigations should be reflected within the PPI summaries that managers utilize for risk management and early intervention purposes. Not having access to this information leaves those within the Department charged with minimizing its exposure to risk and assisting in ensuring that officers do not pose the Department to unnecessary risk lacking significant information. Not having an officer's history of investigations for violations of law compromises public trust in the ability of all officers to uphold the law.

## **C. *Inmate Complaints***

After graduating from the academy, a new deputy guards inmates in the Los Angeles County jails. Unlike citizens in the communities that the Department serves, inmate complaints about specific officers and staff are not included within the PPI database. They should be.

Many of the complaints that inmates make do not relate to specific allegations of misconduct by specific deputies; instead, they tend to focus on the delivery of services.<sup>40</sup> Entering inmate complaints into the PPI system, such that they are included in an officer's PPI profile, will not, then, create an overly burdensome volume of new work. As we have indicated in this chapter, the sheer number of complaints from inmates, regardless of the complaint's merits or the ultimate administrative outcome, might provide crucial insights into patterns of superior or substandard performance among a population of new officers who might be particularly receptive to behavioral intervention, retraining, or mentoring.

The Department will have to determine the means by which inmate complaint data will be contained within the PPI. It could follow a system much like civilian complaints, with thorough investigation records and documentation entered into PPI by the Department's Discovery Unit.

#### ***D. Ability to Analyze Officer Data per Similarly Situated Officers***

In our **Sixteenth Annual Report**, we highlighted the ability of some early intervention systems used by Departments elsewhere to compare officer data to similarly situated officers, or officers who currently work a similar shift, a similar assignment, or who have been with the Department for a similar length of time. In a sense, it would allow managers to consider the average level of performance across performance indicators—such as citizen's complaints, use of force, or, subsequent to the updating of the PPI in order to capture it, force per hundred arrests—and consider how a given officer compares to peer officers. Managers could essentially perform a simpler type of the analysis that we performed earlier in this chapter, evaluating an officer's performance trends relative to others by holding some factors (assignment, shift, and the like) more constant.

This more sophisticated and precise analysis will allow managers to make better decisions and address performance or training issues earlier than they can now. It will further assure officers that their performance is not scrutinized more simply because of a higher level of activity than other officers who may simply not have the same volume of interactions on a daily basis.

We once again leave it to the Department to design a specific technological mechanism for display summary statistics and comparative averages. The outcome, however, should be an area on an officer's PPI summary that provides a summary statistic for

<sup>40</sup> For instance, in our **Twenty-Fifth Semiannual Report**, we reviewed six months' worth of complaints by female inmates. Only about 4 percent (or 16 of 377 total complaints) of complaints were against staff.

major performance areas and allows comparison of those statistics to the statistics of a group of similarly situated officers of a manager's designation.

## **Conclusion**

The PPI is an extraordinarily valuable database which can be used for identifying actual and incipient substandard performance and to manage the risk of substandard performance across broad categories. In order to make the most of the PPI, managers should expand what they look at. The PPI should be broadened to measure performance in areas not currently covered. We now turn to consider intervention in cases where the PPI has brought to light substandard performance.





## 2. The Performance Mentoring Program

### Introduction

In this chapter, we revisit the topic of Performance Review or, as it is currently known, the Performance Mentoring Program, begun in 1995 and designed to take advantage of the PPI by flagging those employees who reach particular thresholds of activity, indicating a potential risk to the Department, the community, or the employee's career. We find that, on the whole, Performance Mentoring has led to significant reductions in risk-related activity for participants—not only for the time the individuals are in the Performance Mentoring Program, but also for several years thereafter. We commend the Department for its performance in this area and offer some suggestions where its performance could be even better.

The actual placement of an employee in performance mentoring is subject to the discretion of the Performance Mentoring Committee (PMC). Our **Fifteenth Semiannual Report**, issued in 2002, described that process, both procedurally and substantively, and examined whether the program was effective in reducing risk-related activity by participant. We found that, on the whole, it did. We also found that although the program was well designed and generally effective, it suffered from inadequate resources, a lack of timeliness, and to some extent, limited buy-in by supervisors.

For this Report, we took an updated look at the process to assess changes or improvements, implementation of our recommendations, and overall operation of the process. In doing so, we found that the PMC and its staff, led by Commander Eric Smith and Lieutenant Pat Hunter, have made significant improvements by automating the PPI flagging process, making permanent the membership of the Committee, standardizing and tracking unit follow-up, and working to maintain a regular schedule for PPI runs and PMC meetings, but that a lack of resources has led to higher and more compartmentalized thresholds and more infrequent meetings.

As a result, employee names are being pulled more often and the backlog has been eliminated, but the makeup of the candidate population has changed and the Committee must consider relatively larger numbers of employees per meeting. We found great improvement in the quality of captains' recommendations involving their employees, both at the profiling stage and the placement stage, and that Committee members are

holding unit commanders accountable for early intervention at the unit level. We found that candidate profiles, prepared for the Committee by the PMC staff, were complete and thorough, if relatively brief, and that decisions regarding placement were carefully considered by the Committee. Finally, we found that the program appears to be effective in significantly reducing risk-related activity, both on average and for the majority of individuals, regardless of the number of years out of the program. While the Department currently tracks post-program activity only in the area in which specific standard performance was found, these drops in recidivism after lower case mentoring appear to occur across the board for most employees, and the LASD is working to implement a new tracking system for the program.

In the following sections, we provide an overview of the Performance Mentoring Program's goals, its staff, and its operation. We assess changes and improvements made to the program since our last review, and examine the Committee's decision-making process and track record over the past three years.

## **I. Overview of the LASD's Performance Mentoring Program**

### **A. *Staffing and Operations***

The PMC consists of three Commander-level supervisors with exclusive voting privileges. The Chairperson is always the Commander of the LASD's Leadership and Training Division, who is currently Commander Eric Smith. The other positions are assigned on a permanent basis to two other LASD Commanders—currently Commanders Arthur Ng and Daniel Finkelstein. Although these three members are expected to attend all meetings, another staff member, generally a supervisor from Risk Management who is familiar with the performance review program and process, may serve as a substitute if a Committee member cannot be present.<sup>1</sup> The Committee is supported by a staff of three employees from the Risk Management Bureau: Lieutenant Pat Hunter, who oversees the program and its administration; and Operations Assistant II Cindy Vukic, who manages all administrative tasks for the Committee; and a sergeant who is responsible for compiling profiles of employees for the Committee. During our study period, that position was held by Sergeant Staci Burgess-Allen; however, her position has since been cut from the Bureau, which has had to assign another staff member, Sergeant Robert Taliento, to those duties. The group is part of the Risk Management Bureau, overseen by Captain David Long.

<sup>1</sup> For example, during a recent meeting that we observed, Captain David Long of the Risk Management Bureau stood in for Commander Smith.

Each meeting of the PMC is attended by the three voting members, PMC staff, and the captain (or designee) of each employee being considered for placement or removal. A representative from the Office of Independent Review (OIR), which monitors misconduct investigations, may also attend and contribute to the discussion. Currently, the Committee considers employees by unit, allowing each captain or unit commander to leave the meeting after the whole of the employees on the meeting's agenda who are under their command have been considered.<sup>2</sup>

## **B.      *The Performance Mentoring Placement Process***

Placement of an employee into the LASD's Performance Mentoring program involves three major steps: (1) an employee's initial candidacy, (2) the decision to profile, and (3) a decision to place the employee into the program. Generally, an employee proceeds through each step, with an employee coming to the committee's attention, the committee making a decision as to whether to more thoroughly and closely consider the employee's history via the profiling process, and the committee, with input from the employee's captain, finally considering the profile when deciding whether to place the employee into the performance mentoring program.

### **1.    Initial Candidacy**

The primary means by which an employee comes to the attention of the Performance Mentoring Committee is via the PPI. Reaching a specific level of activity in one of the areas of performance tracked, also commonly referred to as "performance indicators"—whether uses of force, shootings, lawsuits and claims, public complaints, administrative or criminal investigations, or disciplinary action—brings an employee to the attention of the Committee's staff.

#### *a.      Incident Thresholds*

The PMC staff uses a specific, numerical set of "thresholds," codified in the Performance Mentoring Program's "Business Model," that guide a designated PMC staff member's monthly query of the PPI for employees who have reached or surpassed such thresholds within the previous month. PMC staff query the PPI to produce lists of employees whose activity over the past three years meets or surpasses the "threshold"

<sup>2</sup> The captains of employees who are only being considered for profiling need not attend.

level of activity for a given performance area or indicator. For instance, one threshold is an officer's use of significant force; if the PPI logs an officer as having used significant force at or more than a certain number of times specified as the threshold level in the PMC's "Business Model," that officer will come to the PMC staff's attention when it queries PPI for all such officers whose PPI reflect that level of activity.

The PMC made available to us its "Business Model" that sets the numerical thresholds, or the exact number of incidents or level of activity, in each category, but has requested that we keep it confidential; for several reasons, we have agreed.<sup>3</sup> First, the PMC wants to retain the ability to refine the program's thresholds consistently and quickly and believes that publicizing them might constrain its ability to do so. Second, the Department fears that officers will view the numerical thresholds as the absolute and upper limits for reasonable or appropriate behavior rather than as crude indicators that the PMC staff uses as the basis for identifying the officers for whom a subsequent, in-depth inquiry into overall performance might be most beneficial.

Because the performance mentoring program is non-disciplinary in nature, incidents need not, for some areas or performance indicators, have been judged out of policy to be included in the tally of incidents for a given threshold. Allegations that were determined to be unfounded or exonerated—that is, that they did not occur—do not count toward the threshold level, however. All shootings and uses of force, both significant and less significant, are considered regardless of whether they were deemed in or out of policy.

Thresholds are calculated on a rolling basis, so an employee who maintains a high level of activity in one of these areas will continue to be flagged, even if he or she has already been considered and passed over for placement in the program. (As a result, it is imperative that the PPI be consulted regularly to ensure that relevant incidents do not drop off the three-year time period before the employee can be properly considered.) Employees who do not meet a specified threshold may still be considered for the program based on a recommendation by their captain or Lt. Hunter at Risk Management.

<sup>3</sup> In our Fifteenth Semiannual Report, we did list the thresholds. To our knowledge, no harm resulted. We concluded that for purposes of this report, disclosure of the specific thresholds is unnecessary and we will respect the LASD's request for confidentiality.

*b. Candidates for Profiling*

The first step in the process for the majority of candidates is consideration for profiling by their unit commander and the PMC.<sup>4</sup> These employees have accumulated a specified number of other incidents or “events” over the past three years, as described above. These include, for example, a particular number of shootings, uses of significant force, or complaints of dishonesty. Depending on the outcome, their candidacy may never reach full consideration for placement in the program.

Once an employee has been designated as a potential candidate for the program, a memo is sent to his or her unit to request a recommendation as to whether a complete “employee performance profile is warranted.” (In most—but not all—cases, the employee’s unit commander will be a supervisor at the Captain level. For convenience, and to differentiate the unit commander from a supervisor at the Commander level, who is one step up the chain of command, we use the term “captain” throughout this Report.)

## **2. The Decision to Profile**

Captains are given 20 days to prepare a memorandum explaining whether the candidate “would benefit from additional training or counseling in order to improve his [or her] decision-making skills, communication skills, or any other area of the employee’s professional performance.” Each letter should include a summary, for the past five years, of the employee’s work assignments and performance evaluations, administrative investigations and resolutions, force incidents, public complaints, commendations, and awards. They are then asked to describe any intervention taken or intended, analyze the employee’s performance, and make a recommendation as to whether the employee should be further evaluated (profiled) for potential admission into the program. All recommendations must be approved in writing by the Division Chief and should be accompanied by the employee’s PPI Profile Report and current performance evaluation.

If the captain’s recommendation is that the candidate should be further profiled, they should attach all supporting documentation such as force investigations and complaints, and no further decision is required by the PMC. The Risk Management sergeant currently assigned to the PMC will immediately initiate a full profile of the employee for a placement decision by the Committee at the next meeting.

<sup>4</sup> As described in the following sections, employees who meet more serious criteria will skip this step and move directly to either profiling or placement in the program.

If the recommendation is that the employee not be profiled, the candidate will be added to the Committee's next action agenda for a final decision.<sup>5</sup> At that meeting, the Committee will decide whether the candidate should be fully profiled for consideration at the next meeting, or removed from consideration altogether. Assuming that they do not "re-threshold" before the next meeting, candidacy is generally inactivated for employees who are not selected for profiling.

Employees who have been involved in a specified number of certain serious cases, who have received a significant level of discipline, or who have agreed to a particular category of settlement agreement will automatically be profiled by PMC staff and skip directly to the placement decision by the Committee.<sup>6</sup> This group includes, for example, employees who have been involved in a certain number of criminal investigations by the Internal Criminal Investigations Bureau (ICIB) over the past three years.

Beginning in 2009, the PMC staff has also begun including automatic profiles of employees who have been involved, or alleged to have been involved, in an alcohol-related incident. Action is not required for these cases, but Committee members may discuss and consider them at their discretion.

### **3. The Placement Decision**

#### *a. The Employee Profile*

Following the decision to profile, the PMC sergeant will create a report about each employee that includes the following information:

- A basic biographical summary of the employee, including Performance Mentoring history.
- A list of statistics for all incidents in specified categories (criminal investigations, administrative investigations, vehicle investigations, civil claims, civil lawsuits, use of force incidents, shootings, commendations, complaints, and executive commendations) within the last two, three, and five years and throughout their careers.
- A list of all assignments while at the LASD.
- A list of performance ratings over the past three years, noting any trends.

<sup>5</sup> We describe these meetings in greater detail in a following section.

<sup>6</sup> At the request of the LASD, we have not included the exact criteria for Performance Mentoring candidacy, but they are relatively detailed and specific.



- The employee's PPI Executive Summary.<sup>7</sup>
- A traffic summary.

Each profile also includes a summary and analysis in the category for which criteria for Performance Mentoring candidacy were met (e.g., force or administrative investigations). Although the format is specific to the category, each contains a very brief summary for each event or incident, including finding, numerical statistics for that category, and a brief trend analysis by the PMC sergeant that notes apparent dynamics or patterns. Some common types of analysis include the following:<sup>8</sup>

- Use of force matrix:<sup>9</sup> This chart breaks down each incident by category (e.g., significant, less significant, involving mentally ill and / or intoxicated suspects, directed, found in policy, etc.) and recipient (i.e., gender, race / ethnicity). It also notes whether the officer was the primary or secondary responder and the type or types of force used.
- Complaint matrix: This chart shows personnel complaints by type (e.g., Discourtesy, Harassment) and disposition about conduct (e.g., "Appears Reasonable, "Should have been different")
- Administrative investigations: This chart indicates type of investigation, discipline recommended, and grievance process results.

#### *b. The Committee Decision*

Having received a profile for each program candidate, the Performance Mentoring Committee will take up whether, ultimately, the employee should be placed in the program. A summary for each candidate will be presented by the PMC sergeant, after which the captain will make an oral presentation that includes a recommendation as to whether Performance Mentoring is warranted. The Committee members may ask questions about the employee, the qualifying incidents, and what intervention has already taken place. In particular, the members are often interested in whether the employee has been placed on informal but documented "unit-level performance mentoring," which can include assignment of a mentor, increased monitoring, a change in responsi-

<sup>7</sup> Unlike the PPI Profile Report, which goes back only five years and doesn't include cases for which the employee was exonerated or the charges were adjudged unfounded, this version includes the employee's entire history. A limited number of LASD employees have access to this report.

<sup>8</sup> Examples of each type are included in the Appendix.

<sup>9</sup> Although there are different thresholds for various types of force, all uses of force will be included in the matrix.



bility, or additional training or tasks. Following an open discussion, the Committee will decide whether the candidate will be admitted to or exempted from the program. Although there are no formal criteria for program admission, the Committee considers the context of the events or incidents which led to initial candidacy, the employee's overall attitude toward supervision and discipline, potential factors—such as anger management problems or personal problems at home—that may have led to the event or pattern of behavior, and prior action taken by the captain. In some cases, they may decide to postpone the decision for three or six months, after which they will re-review the employee's performance and make a final decision.

The Committee will also decide whether reports should be submitted every three or six months and, in some cases, provide guidance to the captain about the components or goals that they wish to see included in the plan.

*c. Automatic Placements*

Employees who were discharged by the LASD, but reinstated by a court or the Civil Service Commission, are automatically placed into the Performance Mentoring program, as are those who were recommended for demotion as part of a disciplinary process, regardless of the final outcome of the grievance and settlement process. Although they are profiled by PMC staff and may be discussed at the PMC meeting, no approval by the Committee is required.

**C. The Performance Mentoring Program**

Each employee in the program will be mentored and monitored by three supervisors; for deputies, one each at the level of Commander, Captain, and Sergeant.<sup>10</sup> Once an employee has been selected for Performance Mentoring, he or she will be assigned a commander mentor (generally the Commander in the person's chain of command), who will work with the captain to design an intervention plan and monitor the employee. PMC staff will send out a memorandum informing that commander of the employee's formal admission into the program and directing him or her to work with the captain to assign the employee a mentoring sergeant, who will be responsible for writing progress reports to the Committee every three or six months. All three supervisors will meet with the employee to explain that he or she has been placed in the program and set

<sup>10</sup> Civilian employees or sworn supervisors will be mentored by supervisors up the chain of command.

forth the Committee's concerns and goals. They will also assign specific tasks and performance goals to be achieved over the two-year period, known as the mentoring plan. This meeting must take place within 30 days of the Committee's decision, and commanders are given a date by which they must notify PMC staff that the meeting has taken place. They are also to forward a copy of the mentoring plan.

It is the responsibility of the captain and the mentoring sergeant to monitor the employee's progress, including compliance with the individualized plan, by meeting with him or her regularly and tracking involvement in risk-related incidents. As mentioned, the mentoring sergeant is expected to provide progress reports to the Committee every three or six months, beginning on a date specified in the initial memorandum. These should be reviewed by the captain and commander before being sent to the PMC staff.

### **C.     *Removal and Post-Program Tracking***

Employees must remain on Performance Mentoring for at least two years before their unit commander can petition for removal from the program. As part of that process, the captain will conduct an exit interview with the employee and put together a memorandum to the Committee that provides a recommendation about whether the employee's involvement in the program should be terminated. The unit has recently implemented an exit interview template that requires captains to ask and document the responses to specific questions. The Committee will then decide whether to release him or her from mentoring, or whether to continue them in the program.

Employees who are released from Performance Mentoring are placed into the program's Post-Program Matrix, maintained by PMC staff, which tracks the number of events in each qualifying area for the next three years. (For example, if an employee exceeded a threshold and was placed into the program based on the use of Significant Force, force incidents will be tracked on the form. Non-qualifying events, such as complaints, will not.) The matrix tracks the cumulative number of events at six-month intervals, as well as on a rolling three-year basis. The goal is that events that drop off the three-year list over time will not be replaced, leaving the employee with few or no such events on the list by the end of the tracking period.

## II. PARC Review

We last looked at the Performance Mentoring Program, then known as “Performance Review,” for our **Fifteenth Semiannual Report**. In that report we found that, overall, the program was successful in reducing liability risk for the LASD, and that we had no reason to believe that the criteria used for the program at that time were incorrect. But we also found several flaws in the execution of the program which decreased its ability to effectively and timely intervene in an officer’s career. Most importantly, we often found significant delays between the date that employees were identified as a potential candidate for Performance Review and the date they were actually considered for profiling or placement. The lapse in time meant that the intervention was not always made when it was most needed; in some cases, it also affected the Committee’s decision-making process: The Committee was reluctant to place on Performance Review someone whose questionable conduct had occurred years in the past. Other concerns mentioned in the Report included inadequate funding and staffing, a lack of examination of the failure of supervisors to intervene in the officer’s behavior, poor buy-in by captains, and inadequate follow-up.

For this Report, we revisited the program to find out how well it was working. As part of our review, we first met with LASD staff, who provided an overview of the program as it currently operates and described changes that have been made to the process since our last Report on the topic. We also looked at meeting agenda records for the past three years to find out how often meetings were occurring and whether identification and consideration of employees eligible for the program was timely. We gathered data on the number of employees who were identified as candidates for the program and the proportions of those that were approved for profiling and for the program. For these candidates, we looked at the proportions for whom the employee’s captain did or did not make a recommendation that the employee be profiled.

Second, we observed a quarterly meeting of the Committee in March to observe the presentation of candidates and the Committee’s decision-making process. PMC staff provided us with a complete packet—including PPI profiles and, where relevant, staff-generated profiles and captains’ recommendations—for each employee considered during that meeting.

Finally, we looked at the PPI records of employees who have been released from the program over the past six years. As mentioned earlier, the Performance Mentoring staff already maintains a “Post-Program Matrix” that tracks the number of incidents accumulated by an employee following his or her exit from the program. The matrix includes only the category of incidents for which the employee exceeded a threshold. For this study, we looked at all incidents, other than commendations, tracked in the PPI. With this data, we considered whether participation in the Performance Mentoring program successfully reduced the employee’s involvement in all risk-related incidents, as well as in the category for which he or she was selected for the program.

#### **A. *Changes to Program Policies and Procedures***

The LASD has made few significant revisions in the overall structure of what was then termed “Performance Review” since 2002. In general, the program functions much as before, with similar thresholds, progressive candidacy, and program structure. The Department has, however, made several changes to how the program operates in order to improve timeliness, consistency, and meaningful participation by supervisors. Many of these changes address concerns or recommendations made by us in our last Report and appear to have resulted in significant improvements. We also found, however, a narrowing of resources allocated to the program, both in terms of staffing and time spent. As a result, both the Committee and its hardworking staff have been forced to reduce the depth of their examination of each individual employee’s performance record.

##### **1. The name of the program was changed from “Performance Review” to “Performance Mentoring.”**

The impetus behind its renaming was a desire to present the program as a positive intervention rather than a punitive measure. The program’s materials note that although it is designed to reduce the LASD’s exposure to risk, it is also used to “enhance” professional performance and is meant to be in the best interest of the employee. Indeed, we observed that much of the discussion in the PMC meeting focused not only on protecting the Department but on helping to save the employee’s career. The use of the term “mentoring” also places some of the responsibility of the employee’s success onto his or her supervising “mentors” and emphasizes the active role that they should play.

**2. The Performance Mentoring Committee is composed of three permanent members.**

The use of permanent members represents a change to the Committee that the Department made in the interval since our last review of the Performance Mentoring process in 2002. Previously, the Committee included the Chief of the Training Division and two rotating Commanders. The change was made to ensure continuity, consistency, and the use of commanders who are engaged and committed to the program. Indeed, we observed that the Committee members appeared very familiar with Performance Mentoring and its goals, asked challenging and insightful questions, and were willing to go against the captains' recommendations in placing employees into the program.

**3. The number of sergeants assigned to profiling Performance Mentoring candidates has been reduced to one.**

While the number of sergeants in this position has fluctuated since the program's inception in 1995, there were three sergeants assigned to this task at the time of our last review of the performance mentoring process. We found that number to be "clearly inadequate" in our **Fifteenth Semiannual Report**. The current assignment of a single sergeant to the program, who may have other assignments as well, is even more inadequate. We commend Sgt. Staci Burgess-Allen on her excellent work in this position—her written profiles were very well written, accurate, and thorough—but it is clear that the addition of more profiling sergeants to the unit would allow for lower thresholds and more exhaustive profiles.

**4. The PPI is checked for new candidates monthly instead of once a year.**

Previously, the PPI was checked on an irregular basis—approximately once a year—yielding a group that was too large to be accommodated in one meeting. As such, that group was spread out over several monthly meetings. The infrequency of PPI runs meant that it could take a year or more for an employee to come to the attention of the PMC, and even longer to be placed into the program. This problem has since been addressed by checking the PPI monthly—ostensibly, it should take no more than a month for a person who has met a particular threshold to come to the attention of the Committee, and he or she should be placed on the next scheduled meeting. We applaud this change, which should improve the timeliness of intervention in employees' careers when necessary.

## **5. PMC meetings are held quarterly rather than monthly.**

At the time of our last review, PMC meetings were being held on a nearly monthly basis, with nine meetings occurring over a recent 12-month period. According to the current PMC staff, however, this schedule was not rigorously maintained during the period following our Report, with frequency falling to no more than once or twice a year. The current quarterly schedule was implemented to address this problem and to ensure that the Committee was able to meet with some kind of regularity given available resources.

While we give the Department credit for making efforts to find a workable solution, we are concerned that even this schedule does not appear to have been maintained over the past two years, with an average of one quarterly meeting being skipped each year. For example, the meeting planned for the last quarter of 2008 was cancelled entirely, meaning that seven months elapsed between the August 2008 meeting and the one held in March 2009. On that schedule, assuming an otherwise timely progression, an employee could have been flagged in May, approved for profiling in August, and approved for placement in March. Allowing 10 months to lapse before intervention with an employee who poses a potential risk to the Department is not good practice. We note, of course, that some level of intervention should have occurred at the unit level during this period, but the program was designed as a fallback for employees where that is not the case or where such intervention is not adequate.

We also have concerns that the diminished frequency of meetings has been accompanied by a greater volume of cases considered per meeting. Past meetings have generally required that the Committee make decisions on whether to place anywhere between four and eleven employees into the performance mentoring program. The PMC meeting held in March 2009 required the Committee to make 22 placement decisions, in addition to making decisions on whether or not to remove some 25 employees from the program and whether or not to profile, for subsequent placement consideration, another 12 individuals.

As we discuss in the following sections, revisions to the program and limited resources have already resulted in higher thresholds and less exhaustive profiles; it is important that the process not be further narrowed by a lack of time. We were pleased to find that discussion of each employee did not appear to be arbitrarily limited, with full—and



lengthy—discussions held about several candidates. Nonetheless, the Committee must be vigilant in ensuring that the quality of the reviewing process is not diminished by limited time. While we understand that increasing the frequency of meetings would pose a significant burden for the Committee as well as captains, some of that burden could be decreased by targeting individual meetings to particular groups—for example, limiting a particular meeting to Custody Operations employees.

**We strongly recommend that Performance Mentoring Committee meetings be held no less frequently than once per quarter, with extra meetings scheduled if needed to adequately meet the volume of candidates. Quarterly meetings should never be skipped altogether.**

**6. Some thresholds used as criteria for Performance Mentoring participation or consideration have been modified and, in a few cases, raised.**

To accommodate the decreased staffing and meeting frequency, some of the thresholds used to determine when a person should be placed in or considered for Performance Mentoring have been raised—meaning that employees must accumulate a larger number of incidents, or the same number in a shorter period of time, in order to be eligible. For example:

- Employees must have more incidents in the Significant Force or Personnel Complaints categories in order to be flagged by the PPI; additionally, the PPI omits incidents where the use of force was directed by a supervisor or where the complaint was considered either “unfounded” or “exonerated.”
- Not only has the threshold for the Less Significant Force category also been raised, the category has been changed to exclude the use of OC spray (which now has its own, similarly high, threshold) as well as directed uses of force.<sup>11</sup>
- For ICIB investigations, the period of time has been shortened such that the employee must have accumulated the designated number of investigations in a fewer number of years—older investigations will not count toward the total.
- The thresholds for some other categories—such as Shootings, certain types of founded allegations and accompanying suspensions (“Special Allegations”), and False Statements allegations—have not changed. (The period for False Statements has been shortened but does not materially affect eligibility.)

<sup>11</sup> Since we began our review of Performance Mentoring, the criteria have been revised to include a new, “all-force” category, creating a combined category for all types of use of force.



- Another, specifying the number of days required for the Suspension category, has been lowered, and the Department has added two new categories: Alcohol-related incidents and certain types of settlement agreements.

The overall effect of these changes has been to decrease, to a very small number, the number of employees who are flagged due to ICIB investigations, Personnel Complaints, or Less-Significant Force, as we discuss in the next sections.<sup>12</sup> Interestingly, however, the number of employees flagged due to Significant Force has shot up to nearly half of all the candidates over the past three years despite the higher threshold. Other larger categories include those related to certain types of founded administrative investigations, suspensions, or overturned discharges.

We have serious concerns about the limiting of the criteria for complaints and less-significant force. It is for these indicators—ambiguous patterns that have no other mechanism for intervention—that an early intervention is designed. While it appears that the Significant Force threshold continues to be meaningful, the Complaints threshold, in particular, is designed to flag only those employees who accumulate a very large number of complaints. **We recommend that the Committee review all of the criteria, particularly those for Personnel Complaints, to see which of the thresholds need to be updated or lowered.**

Compartmentalization of categories may also unnecessarily limit the number of employees who are flagged for consideration. For example, because the current thresholds do not allow for combined criteria, a person who has a high number of complaints, some of which are for Unreasonable Force, as well as a high number of Significant or Less-Significant Force incidents, may be missed if all of these incidents fall slightly below their respective thresholds. Nonetheless, this person might pose a greater risk to the Department or the community than does someone with no complaints but one additional use of force. **Without specifying certain combinations, we recommend that the Committee consider a set of “combination” thresholds that would allow for flagging of employees with relatively high numbers of incidents in a variety of categories, particularly in those related to force or other common liability risks. The Department has already done so with its addition of the “all-force” category, which combines all types of use of force into one. We also suggest that the accumulation of certain types of claims, lawsuits, or unresolved allegations (such as those regarding force) be considered in combination with other categories.**

<sup>12</sup> For the percentages listed here, see these following sections: The Decision-Making Process and Program Results.

## Education-Based Discipline

In May 2009, the LASD implemented a new disciplinary program known as Education-Based Discipline (EBD). Under the new system, most employees who receive a suspension without pay as a result of a founded administrative investigation will be eligible to attend educational classes, during work hours, in lieu of the suspension. The impetus behind the new program was Sheriff Baca himself, who believes that replacing punishment with education will result in employees who, rather than becoming embittered by a loss of pay for their families, will be better equipped to manage their personal challenges and those of the job.

In general, the type and number of education hours is based on the type of misconduct and the length of suspension. All employees with one or more suspension days must attend the mandatory "LIFE" (Lieutenants' Interactive Forum for Education) course, an eight-hour interactive class which focuses on values clarification and decision-making. That course replaces one suspension day; each additional day will be replaced by four hours of education specifically tailored to the employee's particular needs and type of infraction—for example, Anger Management or Tactical Communication—which are selected by the unit commander from a menu of options. Individual EBD programs take the form of settlement agreements, with the employee agreeing to forgo the grievance process. Employees who choose to grieve their discipline rather than accepting EBD will, in most cases, not be offered that option after the fact.

Not all disciplinary assignments are eligible for EBD. At present, employees with founded Policy of Equality allega-

Finally, we note that both Education-Based Discipline (EBD—see sidebar for an explanation) and Performance Mentoring potentially involve individualized training assignments for involved employees. The two systems should not be conflated however; one is disciplinary in nature while the other is not. Moreover, Performance Mentoring also requires a period of review and regular reporting. **We consider the ongoing monitoring component of Performance Mentoring to be an important layer of intervention: Employees who have already been through EBD may still require such monitoring and should continue to be considered for the program.**

We are cognizant that lowering some of the thresholds or loosening criteria will result in an increased caseload for the Committee and its staff, for which resources are severely limited.

**Nonetheless, we urge the Department to work to ensure that the program continues to meet its early identification needs, and to allocate resources according to those needs.**

## 7. Implementation of the Post-Program Matrix

In recent years, the PMC staff has begun tracking employees' results following their removal from the program in order to assess results. The tracking system is paper-based and follows each employee for three years following their completion of Performance Mentoring, going back to July 2003. The form tracks the employee's accumulation of incidents in each qualifying area—for example, Significant Force—to see whether and the extent to which the number of incidents is re-

duced over the next three years. Employees who re-threshold are put in bold. We applaud the LASD for implementing such a system, which is a useful way to assess individual and collective performance, but it is time-consuming and fails to track whether incidents in other, non-qualifying areas are increased or decreased over time.

The Department is in the process of implementing a specialized computer database for Performance Mentoring, which will allow staff to better track participation and follow-up data for each employee. This currently requires significant work on the part of staff. **We recommend that the Department ensure that this new system is able to track follow-up data in all categories, not just qualifying categories, to make sure that improvement does not occur in one area at the expense of others. Doing so would also facilitate increased evaluation of the program itself. This would best be accomplished by a direct link to the PPI, which could populate the database with that information.**

tions are ineligible for the program, as are those with founded alcohol-related investigations. Employees who receive moderate to long-term suspensions over 15 days or who have repeated infractions will be considered on a case-by-case basis and likely receive a combination of EBD and traditional suspension days.

We plan to conduct a detailed review of the EBD program and how it is working in an upcoming Semiannual Report.

## ***B. The Decision-Making Process***

In the following section, we look at the employees who have been flagged and considered for Performance Mentoring over the past three years. We consider their overall makeup, including the reason or reasons they were first identified as potential candidates, and the decisions made by the Committee and captains as to whether they were appropriate for Performance Mentoring. We also look at the overall makeup of those who were finally selected for the program.

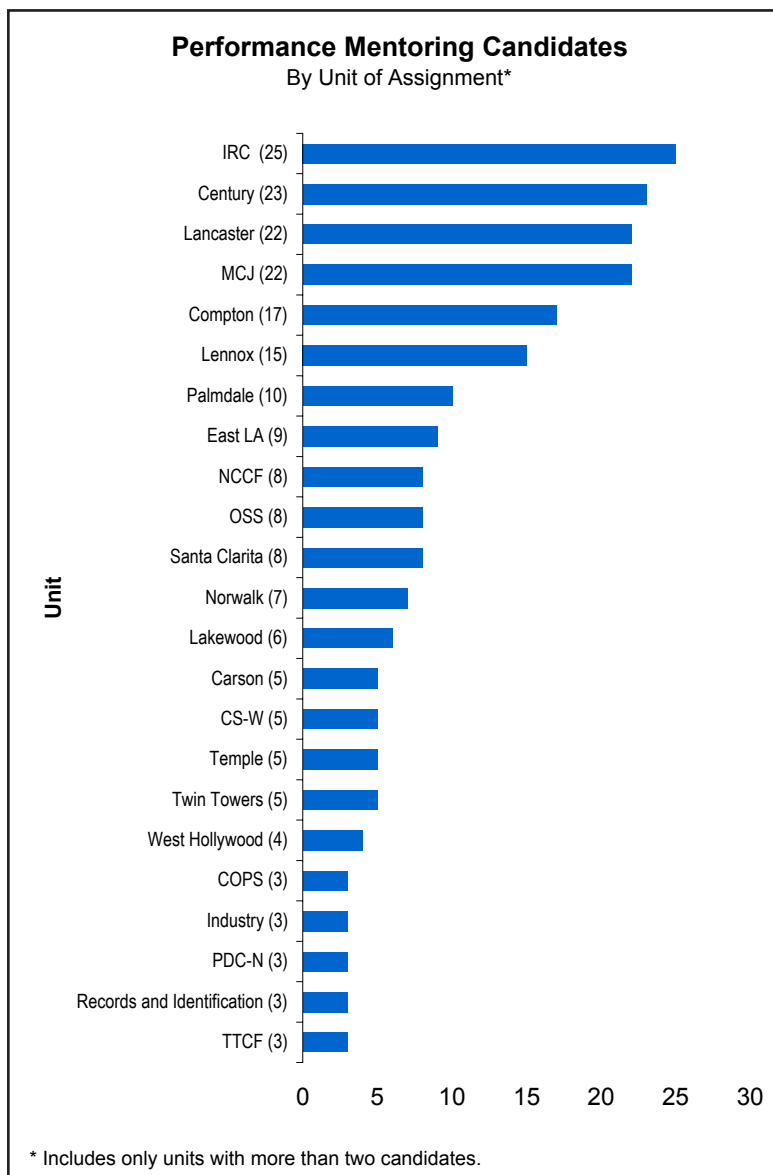
Since June 2006, 288 employees have been considered by the Performance Mentoring Committee for profiling, placement, removal, or a combination of the three. Of those, eight had to be considered anew after meeting a threshold even after the Committee decided to release them from the program or not to put them on in the first place. During this time period, the Committee considered:

- 133 profiling candidates, four of whom were postponed and reconsidered;
- 119 placement candidates, 21 of whom were postponed for reconsideration once, and one of whom was postponed a third time. An additional 22 were automatically placed into the program.
- 69 removal candidates, four of whom were postponed and reconsidered.

## 1. Overall makeup of program candidates

The majority of candidates for Performance Mentoring were deputies, with a small number of civilian employees and an even smaller number of sworn supervisors. Of those who were considered for profiling, placement, or both—or who were automatically placed in the program due to special criteria—the breakdown of job types is listed below:

- Civilian – Non-Supervisor (21)
- Civilian Supervisor (1)
- Sworn – Non-Supervisor (213)
- Sworn Supervisor (10); two Lieutenants and eight Sergeants



Six units of assignment—IRC, Century, Lancaster, Men’s Central Jail, Compton, and Lennox—contributed about half of all of the candidates for Performance Mentoring.

For all of these units except Compton, more than 50 percent of the candidates had been selected based on the Significant Force criterion.<sup>13</sup> Some had much higher proportions, such as IRC or Lennox with 72 percent and 67 percent, respectively. In fact, these six units contributed 63 percent of all Significant Force candidates. Another area where these stations contributed larger numbers of candidates was in shootings, as Century had six, Compton had three, and Lancaster and Lennox had two

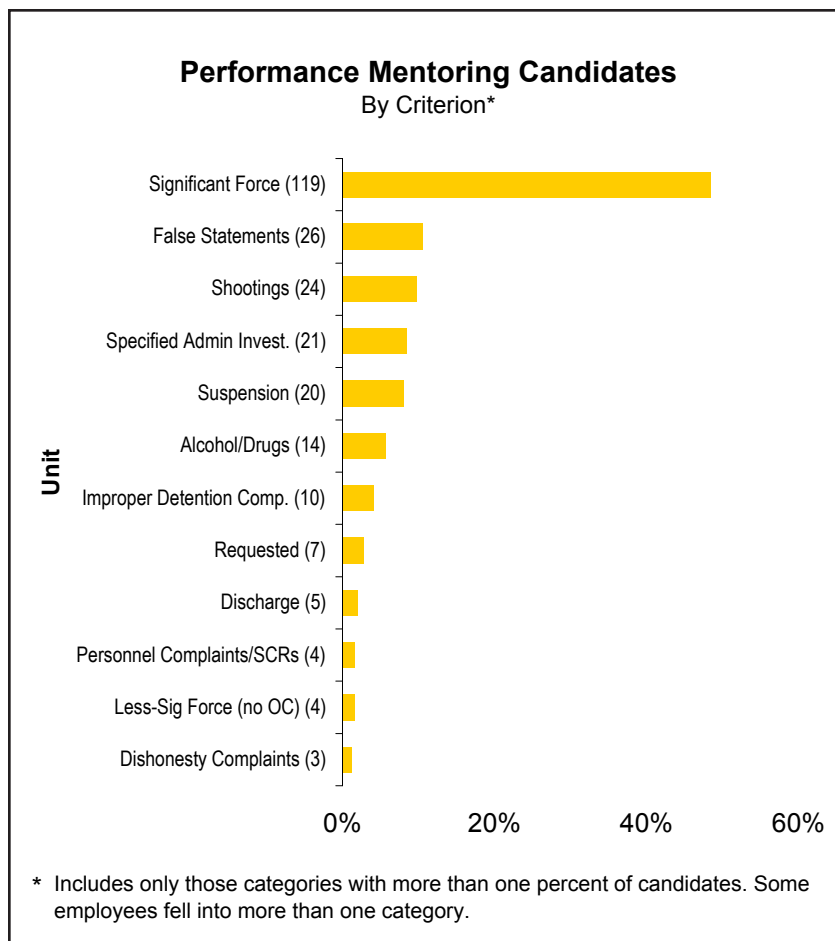
<sup>13</sup> Some employees were selected based on more than one type of criterion.

each.<sup>14</sup> Men's Central had a significant number of False Statements allegations (5), and IRC had a large number of moderate or long suspensions (5).

With Century, Compton, and Lennox represented, Field Operations Region (FOR) II had the largest proportion of candidates, with nearly one-third coming from that division. FOR I, with Lancaster and Palmdale, had the next largest proportion.

In terms of why they were selected as candidates for Performance Mentoring,

the Use of Significant Force was by far the largest category, followed by False Statements Allegations, Shootings, Designated Allegations, and Long-Term Suspensions. We were surprised to find that the number of candidates selected due to high complaint rates was so low, as we discuss further in the section on program placement.



## 2. The Decision to Profile

One hundred fifty-eight employees appeared on the PMC agenda for profiling by the Committee. Of those, 12 were automatically profiled because they met the relevant criteria. Another was automatically profiled by the PMC staff. Of the remaining 145, the captain recommended that the employee be profiled in eleven—about eight percent—of the cases. The other 133 cases were brought to the Committee for a vote.

<sup>14</sup> OSS and Palmdale also had three shooting candidates each.

*a. Automatic Profiling*

As described in preceding sections, there are several criteria that should result in the candidate being automatically profiled by the PMC staff. This category does not appear to have changed substantially since our last review. We found that many employees in this category simply showed up on the agenda as a placement candidate (the 14 listed here), while others were first announced during a previous agenda. We were puzzled, however, to find several cases from 2006 where employees who should have been automatically profiled were apparently put up for the captain or Committee's consideration. In half of those cases, the Committee decided to profile the employee or postpone for three months; in the other half they did not. **Per PMC policy, all employees in this category should be automatically profiled to allow the Committee more information when deciding whether he or she should be placed in the program.**

*b. Unit Commander (Captain) Recommendation*

Just twelve of the 145 candidates referred to the captain—eight percent—for potential profiling received a “yes” recommendation. In the remaining cases, the captain recommended that the employee not be profiled or otherwise further considered for Performance Mentoring. This is an even smaller proportion than that which we found in our last Report, which noted that about 17 percent of all candidates were recommended for profiling.<sup>15</sup>

We reviewed all of the captains' written “no” recommendations submitted for the March 2009 meeting and found them to be, on the whole, quite thorough, well written, and well reasoned. Despite our earlier recommendation that captains be provided with a common memo template, however, we found some variation among the units, with some captains providing more detailed information than others. In particular, we found that, in a few cases, the type of force, complaint, or claim was simply noted without any context, while in others, a synopsis of each incident was provided. We were particularly impressed with those recommendations that not only provide complete synopses but also include a summary of the officers' arrest statistics and sergeant's comments as well as copies of the latest performance evaluations. **We recommend that this format be used as an exemplar for all units. According to the Department, they have already selected such a template and will be requiring all units to use that format.**

<sup>15</sup> At the time of our last Report, however, captains made recommendations on all employees, in contrast to current procedures where a certain proportion are “automatic” profiles. This may explain some of the discrepancy.



c. *Profiling Decision*

The Committee voted to profile 30 of the remaining 121 employee candidates, about one quarter. Eighty-seven of the other cases were dismissed, and four were postponed for three months. Of those that were postponed, one was eventually approved for profiling.

Approximately 70 percent of those that were approved for profiling were Significant Force candidates, a percentage that is proportionate to the percentage of all profiling decisions involving Significant Force. Complaints candidates (all types) were slightly more likely than expected to be approved for profiling; other categories were slightly less likely. In terms of units, Lennox had the largest proportion (20 percent) of all approved profiles, followed by Century (13.3), East LA (10), Lancaster (10), Palmdale (10) and OSS (6.7). Lennox, Century, and East LA were somewhat overrepresented in this category while the others were underrepresented.

## 2. The Placement Decision

One hundred forty-one employees came up for placement into the Performance Mentoring program. Of those, 22 were automatically admitted due to their selection criteria. Of the remaining 119, 41 (34 percent) were approved for final placement, 58 (49 percent) were dismissed, and 20 (17 percent) were postponed for three or six months. Of those that were postponed, four have since been placed into the program.

Of those considered for placement, Significant Force candidates made up the largest proportion with 37 percent, followed by those with False Statements allegations and certain Suspensions (14 percent each). Other larger categories included designated Special Allegations (13 percent) and Shootings (10 percent). Of these groups, False Statements candidates were by far the most likely to be selected for Performance Mentoring, as 58 percent of all such candidates were approved during the first go-around. In terms of final placements (including automatic placements), about 31 percent were Significant Force candidates, followed by False Statements (20 percent), Suspensions (17 percent) and Special Allegations (14 percent).

Citizen's complaints candidates made up just three percent of the total number of placements, a stark difference from our previous review group, discussed in the following section, where they made up nearly one-third of all participants. **As noted earlier, we recommend that this criterion be reevaluated and revised to make it more meaningful.**



In terms of units, the largest proportion of final placements went to the Inmate Reception Center (IRC), with 19 percent of all placements, followed by Compton and Men's Central Jail (MCJ) with 11 percent each and Century with six percent. Of these, IRC was the only unit that was overrepresented in terms of its proportion of overall placement decisions.

### 3. PMC Meeting

As described in the overview, the Committee's decision in each case followed presentations by and discussions with Sgt. Burgess-Allen and the employee's captain during the PMC meeting. In most—but not all—cases, the captain was arguing to keep the employee out of the program. Of the 22 placement decisions that we observed, the captain recommended placement in four cases and expressed ambivalence in one. In the remaining cases, he or she recommended against placement. As for the Committee, it approved the captain's "yes" recommendation in every case, and decided to go against a "no" recommendation in only one case. In total, five of the 22 were placed into the program. Six other candidates had their decisions postponed for 3 or six months, after which the Committee would re-review any incidents that had occurred during that time and make their final decision.

While initial presentation of each candidate was somewhat brief, in order to allow the Committee time to hear each case, we were satisfied that, in the main, each discussion was relatively thorough, with Committee members quizzing captains about the employee's potential areas of need and any action taken at the unit level. Serious incidents such as founded administrative investigations and shootings were described and analyzed, and the employees' attitudes, motivation, and progress were discussed at length. **Because the profiling sergeant only had time to provide a brief pattern analysis of uses of force and complaints, however, it is crucial that captains' initial recommendations include synopses of each incident so that Committee members can put the numbers in context. It is difficult to interpret each employee's history without such context.**

We were particularly pleased to see that captains were regularly asked about any steps taken up to that point to provide guidance or other intervention at the unit level. Such emphasis encourages the use of the PPI as an early intervention tool by unit supervisors and helps to send the message that management holds some responsibility for the per-

formance of its staff. Indeed, many of the captains came prepared with accounts of documented intervention at the unit level, whether in the form of additional training, reassignment, or assignment of a station mentor. While this is not yet a comprehensive mechanism to hold managers accountable for failures in supervision, it is an important first step. **We urge the Committee to continue to communicate the expectation that captains take the first step to identify and intervene with officers before they end up in Performance Mentoring, and to work to expand that principle by working to identify areas of missed opportunity or supervision failures.**

### **C. *Program Results***

In this section, we look at the results, in terms of reduction of the number of incidents in various categories, for those employees who completed Performance Mentoring since July 31, 2003, the earliest date tracked by the LASD in its post-program tracking system. As we noted in our **Fifteenth Semiannual Report**, a primary measure of program success is whether “the specific employees placed on Performance Review generate fewer high risk incidents after being selected for Performance Review as they did in the three years prior to their placement on Performance Review.”<sup>16</sup> As such, we look not only at the threshold category or categories but at a larger set of categories tracked in the employees’ PPI Profiles.

#### **1. Methodology**

For this review, we pulled up a full PPI profile (the PPI Executive Summary) for each of the employees who have completed Performance Mentoring since July 2003 and who have been out of the program for approximately one year or more. As discussed in the previous chapter, these profiles provide a basic summary of the number and type—and, where applicable, dispositions—of all of the incidents the employee has been involved with over the course of their career. The profiles used for this summary were current as of May 5, 2009 and included 64 employees, the last set of whom were released from Performance Mentoring on May 17, 2008. For the purposes of this study, we consider this group to have been out for one year.

We tracked a set of ten basic indicators for each of the participants. Seven of these correspond directly to program criteria:

<sup>16</sup> 15<sup>th</sup> SAR, pg. 63.

- Number of administrative investigations involving an allegation of False Statements.
- Number of administrative investigations with a founded allegation of one of the following: Unnecessary Use of Force; Use of Firearms; Alcohol Use; Obedience to Laws, Regulations, and /or Standards; Performance to Standards; and Policy of Equality. For logistical reasons, we did not track suspension recommendations for these cases.
- Number of incidents involving a use of force. This category aggregates all types of force into one category, unlike the Performance Mentoring criteria, which separates uses of force into Significant Force, Less Significant Force including the Use of OC Spray, and Less Significant Force not including the OC spray. We could not easily distinguish those incidents which involved significant force because the PPI profile does not track injuries or complaints of pain. We also chose not to exclude directed uses of force from this category.
- Number of personnel complaints (SCRs), excluding “exonerated” complaints or those that were terminated due to the Watch Commander’s Discretion (if, for example, the complainant was clearly mentally ill).<sup>17</sup>
- Number of personnel complaints involving an allegation of Unlawful Search, Detention, or Arrest, excluding exonerated complaints or those that were terminated due to the Watch Commander’s discretion.
- Number of personnel complaints involving an allegation of Dishonesty, excluding Exonerated complaint or those that were terminated due to the Watch Commander’s Discretion.
- Number of Shootings.

We looked to see whether any of the participants had a demotion or discharge listed as a result of an administrative investigation following Performance Mentoring, but found none. We cannot, however, be entirely certain that such consequences are always tracked on the PPI profile. We did check to see whether there were any employees who were no longer with the Department, and found that two were no longer with the Department. We include them in our comparisons nonetheless, however, because we consider removal from the LASD to be a type of intervention.

Due to the limited amount of information tracked on the PPI Report, we were unable to

<sup>17</sup> Current PMC criteria also exclude “Unfounded” complaints. This is not an official disposition for an SCR, which uses the description “Employee’s Conduct Was Reasonable.” For the reasons listed in Section A, we did not exclude complaints with this disposition.

track involvement in other program criteria, such as investigations by the Internal Criminal Investigations Bureau, certain types of employee settlement agreements, or the length of recommended and final suspensions. **We suggest that this information, which is relatively basic and provides important context to an employee's record, be included as part of the PPI summary.**<sup>18</sup>

We also tracked three additional performance indicators:

- Number of Administrative Investigations, excluding those with a disposition of “Exonerated.” We included, however, investigations with an “Unfounded” adjudication.
- Number of Civil Claims filed. In a few cases, multiple civil claims appear to have been filed for the same incident. We counted each of these separately, but noted any duplication in our notes.
- Number of Lawsuits filed.

The number of incidents in each category was tracked over seven discrete time periods. We entered the number of incidents reported for the first, second, and third year immediately preceding placement into the program and the first, second, and third year immediately following removal from the program, where applicable. We also entered the number of incidents incurred during the program period itself.

During data entry, we came across a few anomalies in the data that are worth reporting.

- In a small but notable number of cases, we found very low rates of incident involvement, including in the qualifying category, in the three years preceding placement. In some of these cases, significantly higher rates clearly exist before the three-year period. We interpret this data as having to do with a delay—described in our last report—in action following initial candidacy. In some cases, it may be that the person was notified of concerns and worked to reduce his or her involvement in questionable activity; in others, the person may have been taken out of the field during that time. Depending on the appeal period, employees who were discharged and reinstated might also have been separated from the Department for the full three years. We chose not to look further back into the officers' careers primarily because an increased number of years on the front end, even if weighted, would unfairly distort the comparison. However, where an incident happened a month or less before the

<sup>18</sup> The LASD has recently switched over to an Education-Based Discipline program, which allows employees to attend training in lieu of suspension without pay. However, the severity of discipline will continue to be tracked in terms of suspension days; an employee's agreement to participate in assigned education will be considered a settlement agreement that modifies the original terms.

start of the three year period, we included it in the calculation.

- While the minimum program length is two years, some employees were on for much longer than that time, up to more than ten years. As such, we created an adjusted incident “rate” that is a calculation of the number of incidents per year on the program.
- Some employees had very high incident rates during the early part of their participation in the program. We cannot discern whether this means that the actual intervention began later than the date reported by the Department, or whether the intervention was simply unsuccessful in its early stages. As such, we conducted a comparison of incident rates for the three years before the program, and those during the program, adjusted to a three-year rate.

Thus, although we are not able to account for every complexity in each employee’s case, we are able to present a broad view of the general level of involvement in risk-related incidents and the extent, if any, to which these were reduced following participation in Performance Mentoring.

Finally, we are not able to track every factor that may affect an employee’s involvement in the tracked areas. For example, transfer, reassignment, discharge, or even age may have more of an effect on an employee than his or her participation in Performance Mentoring. Given more time and resources, we might be able to control for all such factors and to compare employees who went through the program with those who were considered for the program but selected. Nonetheless, we believe that a simple pre- and post-program comparison provides a meaningful measure of its effectiveness because we consider any intervention, such as the termination or reassignment of an employee to a desk position, to be part of the overall process. We consider these to be a successful intervention if they result in the reduction of risk-related activity.

## **2. PARC Dataset**

As noted, our post-program dataset includes 64 employees who completed Performance Mentoring starting in July 2003. Of those, 56 (88 percent) were deputies, four of whom have since been promoted to Sergeant. The remaining employees comprise three Custody Assistants, two Sergeants, and one each of the following: Security Officer, Records Clerk, and Supervisor Nurse. Some of these employees, of course, are unlikely

to be involved in incidents such as shootings or uses of force. As such, we do not include those who have zero incidents in a given category in our comparison analyses.

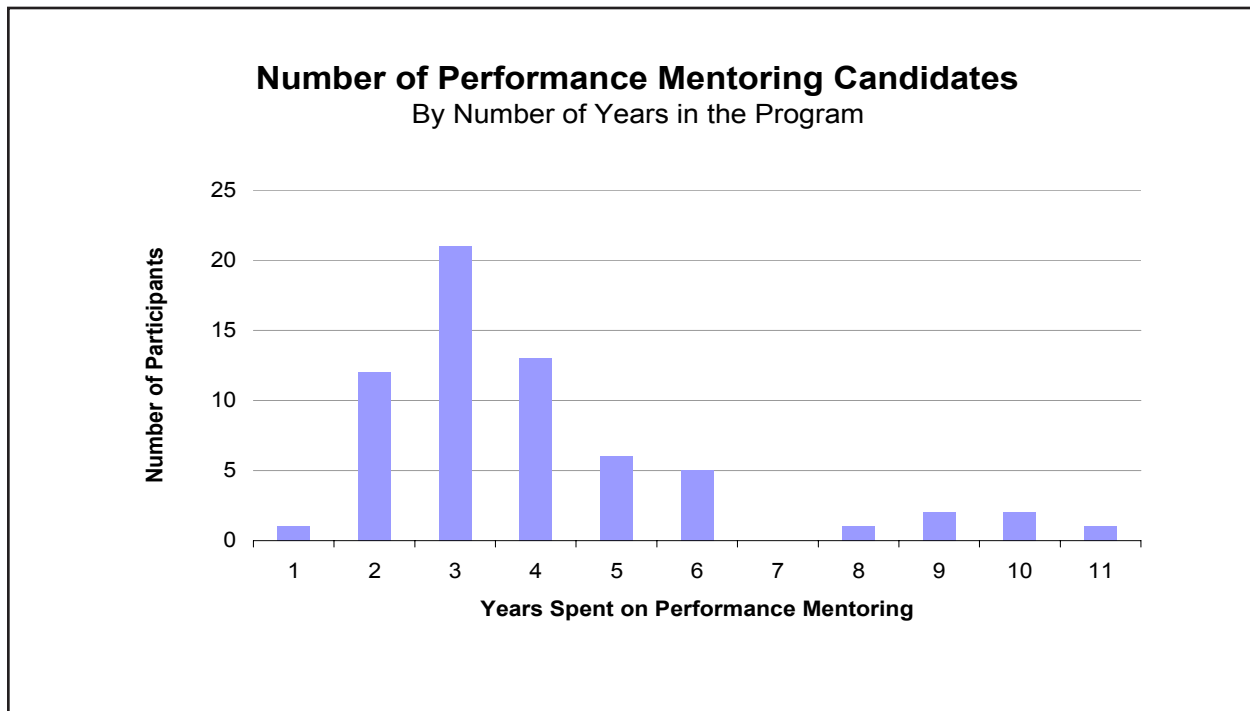
About one-third of program participants (21 employees) were selected due to a high number of Personnel Complaints, with the next most common criteria being a False Statements allegation, Force, and Suspension.<sup>19</sup> A full breakdown of the selection criteria is below. Because some employees were selected for more than one criterion, the total is greater than the number of employees.

- Personnel Complaints: 21 (33 percent)
- False Statements Allegations (in a Founded investigation): 15 (23 percent)
- Force (both Significant and Less Significant): 13 (20 percent)
- Suspension: 7 (11 percent)
- Overturned discharge: 5 (8 percent)
- ICIB Investigations: 5 (8 percent)
- Shootings: 5 (8 percent)
- Performance to Standards (Founded) allegations: 3 (5 percent)
- Unit Commander Request: 2 (3 percent)
- Demotion: 1
- Use of Drugs: 1
- IAB Investigation: 1
- Improper Detention, etc. Complaints: 1
- Obedience to Laws (Founded) allegations: 1
- Traffic Collisions: 1

The date that the employee was first placed in the program ranged from April 1996 to July 2005, with nearly two-thirds (62.6) being placed in the program between 2001 and 2003. Seventeen percent were assigned before that time, and 20 percent after. Because all of the employees in the sample were removed from the program between 2003 and 2008, the length of time spent in the program varied more widely than expected, up to eleven years for one employee. We found that all but 80 percent of all employees spent approximately three or more years on Performance Mentoring, while only one spent less than two. The average length of time was about three years, with a median of four years. For a full breakdown, see the chart below.

<sup>19</sup> This is a significantly larger proportion of Complaints candidates than those in our more recent sample, as noted earlier.

We have serious concerns about keeping employees on Performance Mentoring for a prolonged period of time, whether it be due to a lack of follow-up on the part of the unit commander or because the employee continues to be involved in problematic incidents. The LASD is similarly concerned, and has recently implemented new policies that require outgoing unit commanders to brief incoming unit commanders about employees who are on Performance Mentoring as part of their documented Change of Command protocol. Furthermore, all unit commanders will be required to report on the employee's progress at the end of the initial two-year period, a process that should be further automated and facilitated with the help of the new database. We recommend also that the Committee consider whether more serious action should be taken in cases where the employee continues to exhibit risk-related activity for a prolonged period even with intervention.



### 3. Risk-Related Incidents in the Three Years Preceding the Program

The number of total risk-related incidents an employee was involved in prior to the program also varied widely, ranging between two for one employee to 49 for another. About 50 percent had 10 or fewer total incidents, while only 25 percent had more than 22. The average number was 13. To some degree, this is to be expected, as a particular kind of founded administrative investigation in a civilian employee will not result, for



example, in large numbers of uses of force. This also reflects the fact that some areas of risk, such as force or complaints, accumulate more quickly than do others, such as discharges or demotions. As expected, force and complaint selection criteria were associated with significantly higher total numbers of incidents. Interestingly, however, this was also true for shootings, improper detention, and false statements criteria, which have relatively low incident thresholds.<sup>20</sup> Nonetheless, as we found in the previous chapter and as we describe below, many of the employees with high rates of risk-related behavior in one category also had high incidents in another area, even if those incidents did not meet a particular threshold.

In terms of specific incident categories, we found the following rates among involved employees prior to beginning the program. For ease of comparison, we include only those employees who had at least one such incident during the review period—either in the three years preceding the program, during the program, or in the three years following the program.

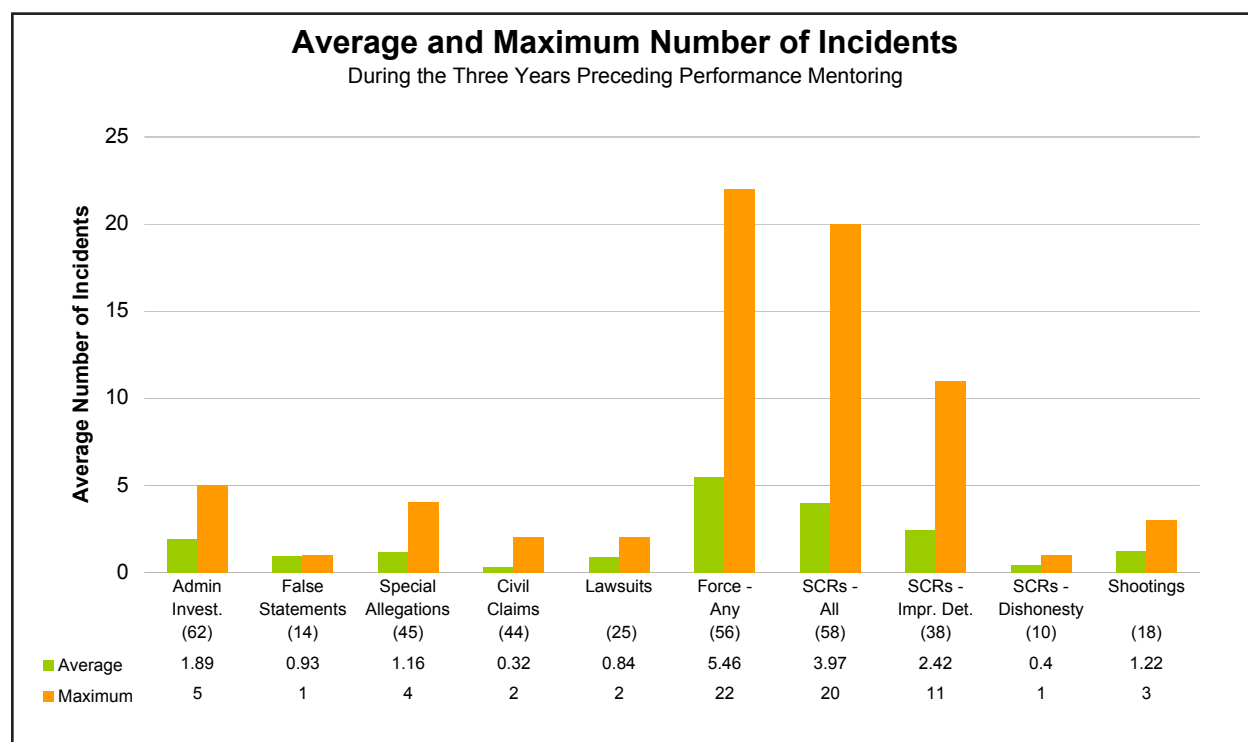
Not surprisingly, employees who were selected for Performance Mentoring based on a particular criterion tended to have the highest levels of incidents in that area. For example, employees who were selected based on their use of force had the highest rates of force prior to the program—nearly 13 uses on average, much higher than any other category. It is worth noting, however, that those selected based on two other common categories, shooting and complaints, also had relatively high levels of force, at 8.2 and 5.1, respectively. When we looked at the number of complaints we found that, for those who were selected due to the complaint criterion, the average number of complaints was 6.1. Surprisingly, the average for shooting candidates was higher, at 6.4, even though only one of the five shooting candidates was also a complaint candidate.<sup>21</sup> Following close behind were force candidates (4.23) and false statements candidates (4). As for shootings, a relatively rare occurrence, only seven of the thirteen candidates who had shootings within the past three years were selected based on the shooting threshold, or because they had been involved in an ICIB investigation. Of the others, three were selected due to complaints, two due to force, and one for false statements. Three of the shooting candidates were additionally selected due to high uses of force, and one due to complaints.

The Performance Mentoring Program does not use claims or lawsuits filed as criteria for the program, nor does it use total number of administrative investigations. We found

<sup>20</sup> All of these associations were statistically significant at the .05 level, other than improper detention and false statements, which were significant at the .1 level.

<sup>21</sup> As we noted earlier, some Performance Mentoring participants had already reduced their activity in risk-related categories significantly before the start of the program.

that many of the participants had at least one claim or lawsuit, and several had many. Eighteen participants had lawsuits filed against them; three of these had two suits. As for claims, 28 employees—close to half—had at least one claim; 17 had more than one. Of the larger categories, shooting candidates, not surprisingly, had the most lawsuits on average (0.8), followed by complaints (0.52) and force (.38). As for claims, shooting candidates again had an average of 0.8 shootings, followed by force (0.46) and complaints (0.38). Similarly, although the categories with the highest number of administrative investigations were those directly related to investigations (such as an allegation of false statements during a founded investigation), force, complaints, and shootings candidates all had averages of close to two administrative investigations during the three-year period, with 1.92, 1.86, and 1.80, respectively.



#### 4. During the Performance Review Period.

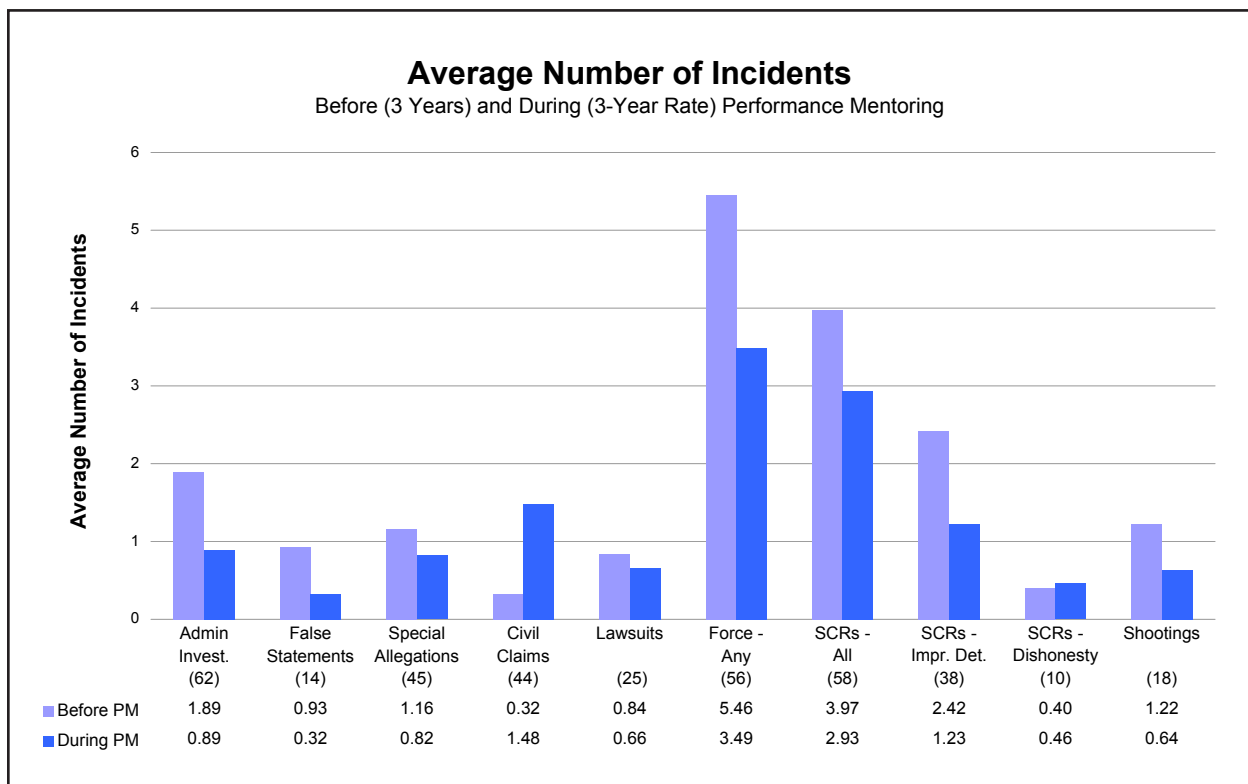
Most employees' rates of involvement in the categories of review fell significantly following acceptance into the program. Overall, the only two areas where rates went up were in the number of claims filed and the number of citizen complaints alleging "Dishonesty" (see following chart). Because it is difficult to compare short program lengths with long ones, however—it is likely that employees who continue to have high rates of

involvement will have their mentoring period extended—we did not do a detailed analysis of these numbers. Although a reduction of incidents during the post-mentoring period is to be expected, a more important measure of success is what happens after the person is no longer in the program.

## 5. Post-Program Comparisons

In the following section, we compare incident rates between comparable periods before and after participation in the program. For each time period, we consider the following:

- Change in average number of incidents for all involved employees between the period following the program and a comparable period before the program;
- Change in average number of incidents for all involved employees between last year off the program and the prior year (Years Two and Three only);
- Change in total number of incidents for each involved employee, overall and by qualifying criterion.



Because not all of the employees have been out of the program for the full three years, we consider each year following the program separately. All 64 participants have been off for at least one year, 52 employees have been off of Performance Mentoring for two years or more, and 37 employees have been off for three or more years.

*a. Average Percent Change—Before and After*

We analyzed changes in incident rates for all participants between the years immediately preceding the program and those immediately following it and found that, with the exception of two categories in the first year, the average number of incidents in each area decreased for all three periods. Those employees who had been out of the program for three years or more showed an average reduction of at least 50% in every area; in many areas, the number of incidents was completely reduced for a given year. The charts on the following page show the average number of incidents for each review period. For percent change in incidents for each category, please see Appendix B.

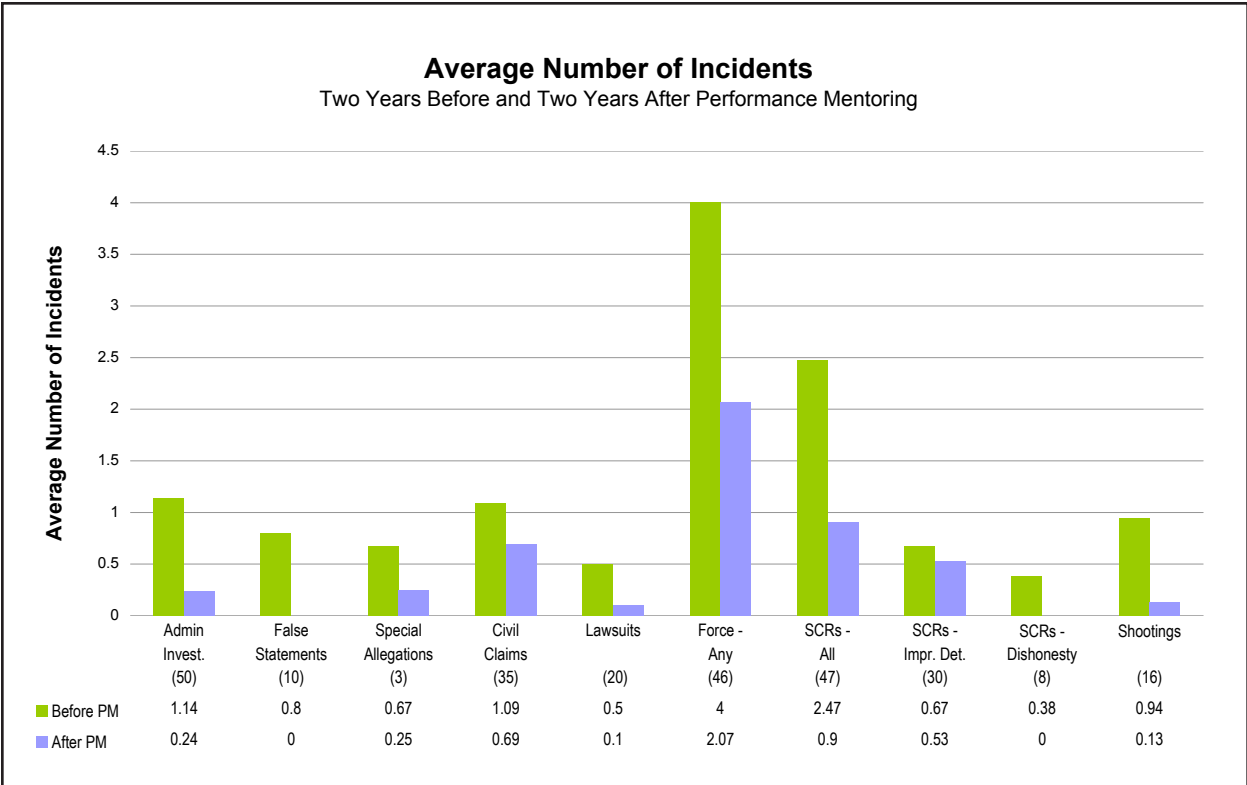
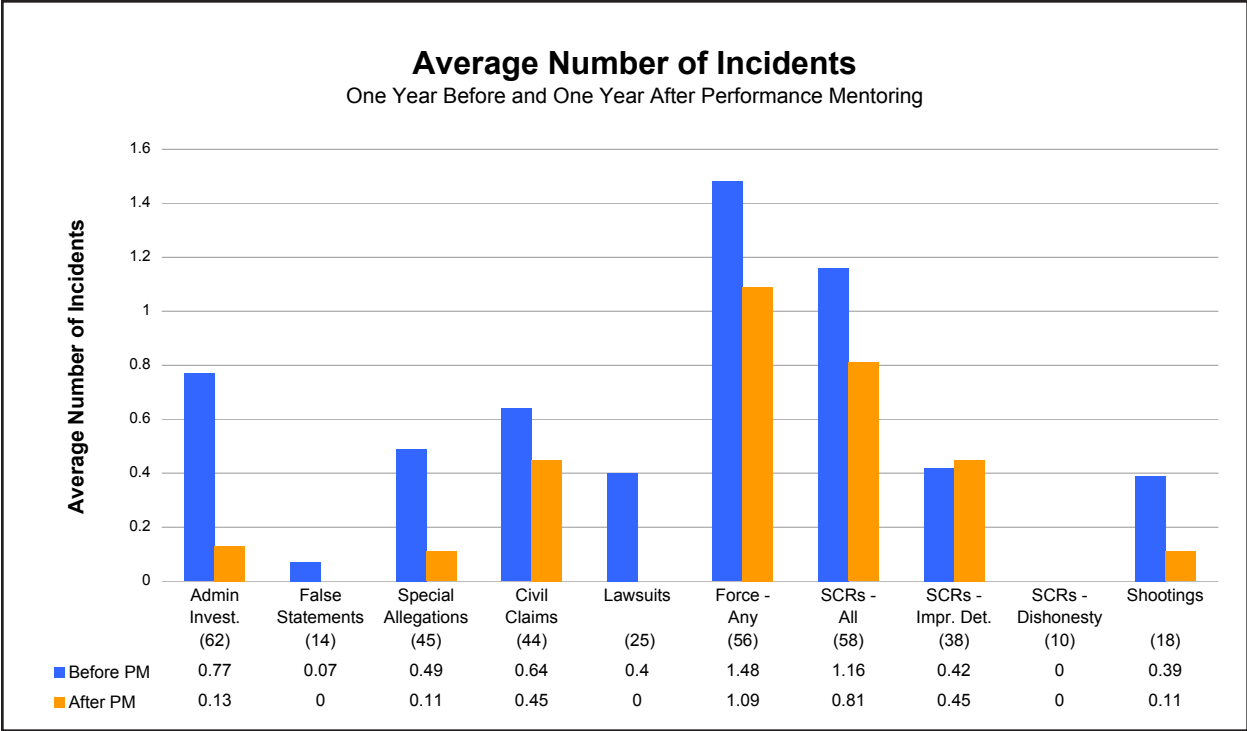
These data show that, overall, Performance Mentoring has been successful in reducing the number of risk-related incidents participants were involved in, regardless of how long they have been off the program. This is true even for those areas—administrative investigations, claims, and lawsuits—not tracked by the Committee. However, they also show that these areas are correlated with other areas of risk and should potentially be considered areas of risk in their own right. This is particularly true for claims and lawsuits, which have the potential for financial liability to the Department.

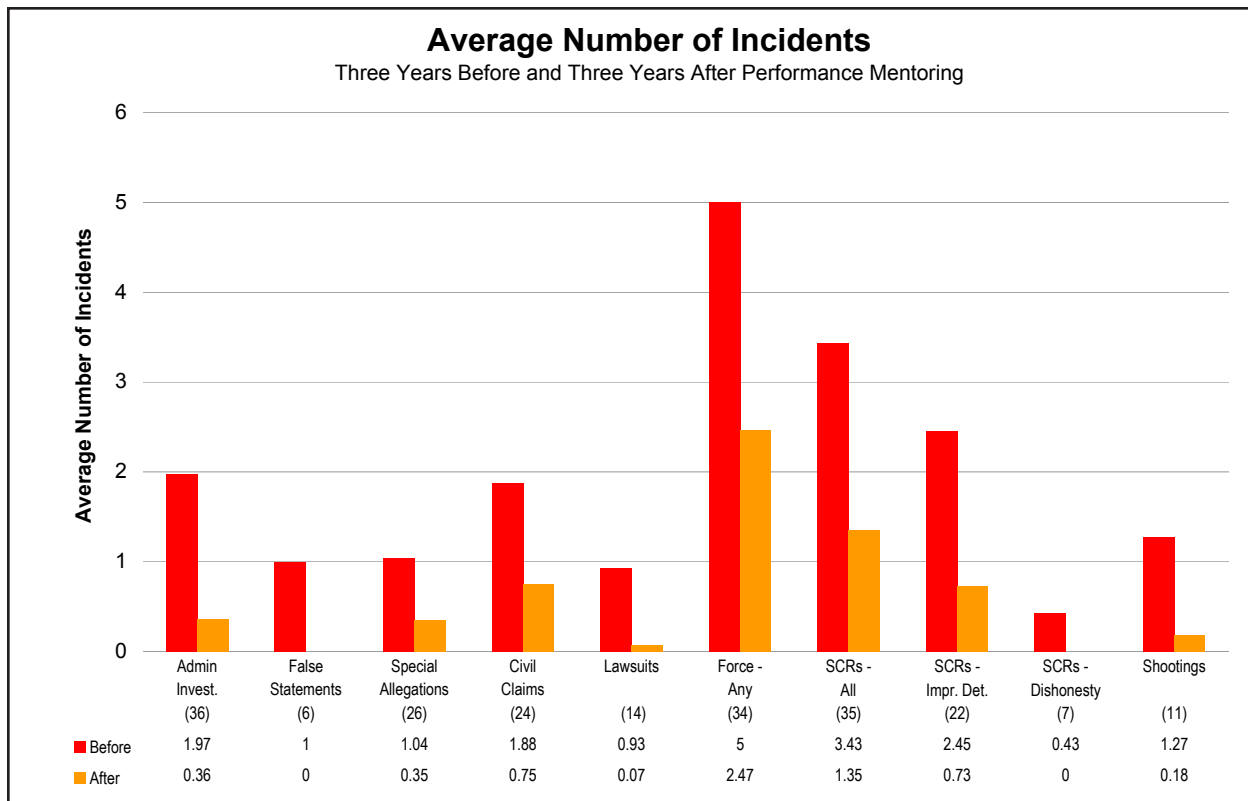
*b. Average Change Year to Year*

We looked at the extent to which average numbers of incidents continued to decrease or increased following the first year after Performance Mentoring, and found that, with the exception of Improper Detention Complaints (which involve only three employees), average numbers of incidents generally continued to decrease after the first year. This shows that the effect of the intervention was generally sustained beyond initial removal from the program, another sign of success.

### **3. Individual Changes by Incident Area**

While looking at averages provides a good overall picture of how the program is working, it can smooth out results for individual employees, whose post-program perform-

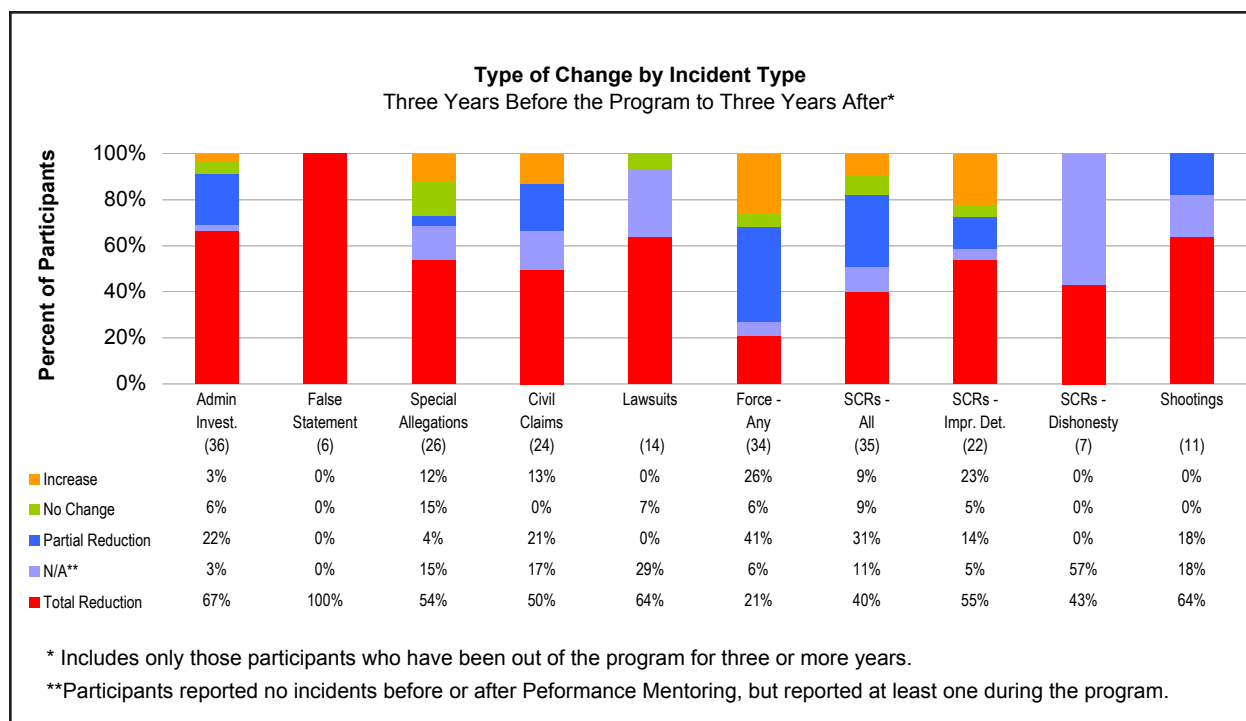
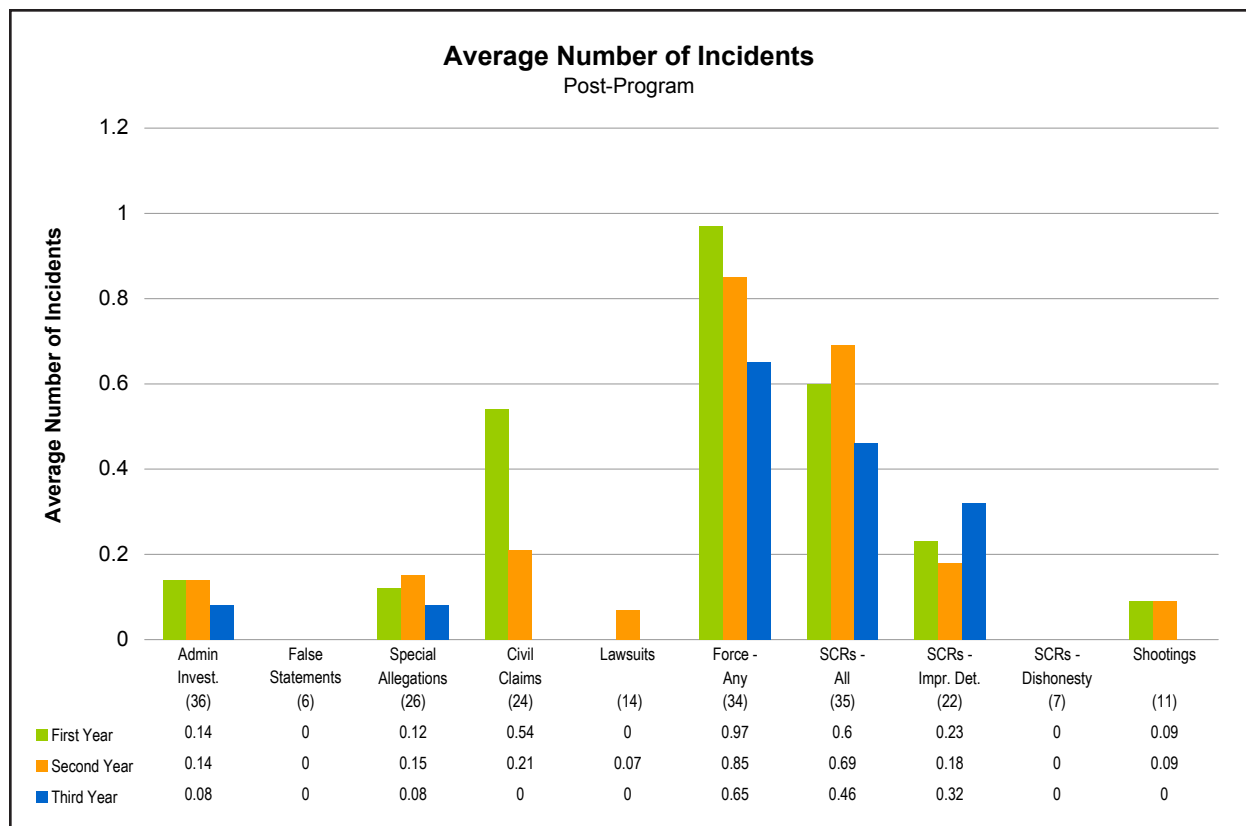




ance may differ from the mean. By the LASD’s own metric, individual success is measured by a decrease of incidents reported in the qualifying category; we expand that calculation to include all areas of interest.

The following charts show the percentage of employees who reported each type of change for each incident category and includes only those employees for which there was some activity in that category during the report period. The “N/A” change category refers to those employees who had zero incidents in that category for both the year preceding the program and the year following the program, but who had some level of involvement in that category during the review period.

Overall, the data are encouraging and show that the majority of employees in each category either reduced the number of incidents or, if they had none to begin with, did not increase them. For each category except Force, employees who reported no incidents whatsoever was greater than 50 percent for every year, with most other employees showing at least a partial reduction. In three categories, however—Force, SCRs (Complaints), and Improper Detention Complaints—the number of employees who reported increased incidents was greater than one-fourth of all involved employees during the first year. That trend held for Force and Improper Detention Complaints through the





next two years as well, but the number of employees whose complaints increased fell to just nine percent by Year Three. Because the direction and magnitude of change depend, to a large degree, upon the starting number, we give the three-year values greater weight. Although that calculation includes fewer employees, the three-year period allows for a more robust comparison of each employee.

In looking specifically at those categories for which a significant number of employees showed an increase, we found that:

- All but one of the employees decreased the number of incidents in their qualifying category or categories by the third year. For example, by the third year, all of the employees who had been selected for the program due to their use of force showed either a total or partial reduction of their use of force. For other categories, such as Complaints, qualifying candidates showed either a reduction or no change in the number of incidents between the two periods.
- Perhaps because they were the largest groups, employees who were flagged due to Complaints or False Statements, and to a lesser extent, Force, tended to make up the largest proportions of those employees who showed increases in other areas. For example, three Complaints candidates showed increases in the number of Special Allegations, and two showed an increase in the number of complaints filed. Four False Statements candidates showed an increase in Force, and two each showed an increase in Complaints or Improper Detention Complaints.
- Despite the great majority of employees showing significant reductions, four employees had ten or more uses of force during the three years following the program, with a maximum of 18 uses of force (including significant and less-significant types). Three of these were Significant Force candidates; the other had been previously discharged. Two of the three Force candidates showed a reduction in the total number of incidents since the period before the program, despite their relatively high rates, but all three were resubmitted for consideration by the Committee in the last meeting. It is not clear why the fourth, the employee who had previously been discharged and reinstated, was not also submitted to the Committee. Of those submitted to the Committee, only one was approved for profiling; his placement de-

cision was pending at the time of this writing. The Committee decided not to request profiling on the other two employees on the recommendation of their captains.<sup>22</sup>

- Four employees accumulated five or more SCRs in the three years following Performance Mentoring. All but one, who happens to be the previously discharged employee from the last paragraph, had been flagged for Complaints the first time around. The employee with the most SCRs has re-thresholded and will be resubmitted to the Committee.

## Conclusion

Overall, we are pleased with the results of those Performance Mentoring candidates that we reviewed, finding that average incident rates decreased across most categories, even those that are not tracked, and that reductions increased over time. We also found that these results held for most participants, regardless of the number of years out of the program, with many employees reducing their involvement to zero. Finally, we found that, where employees' incident rates continued to be high—even when there was a reduction—they were often flagged by the PMC staff even before they reached a threshold. As such, we find that, on the whole, the program has been effective in reducing or minimizing involvement in risk-related activity for participants.

<sup>22</sup> Two of the resubmitted employees were also involved in a shooting, had one or more "serious" uses of force such as carotid restraints or flashlight strikes, and had lawsuits or claims filed against them for assault and battery (all denied). For each, the captain's recommendation memo provided reasonable explanations for each of these incidents, but the combinations point to higher involvement in force than most of the other employees we looked at.



# Appendix A

## ***Administrative Investigations***

### § All Administrative Investigations

If managers want to know what officers might be at particular risk for coming under internal investigation, regardless of the ultimate dispositions of those investigations, they should monitor the following performance areas, which are all related to officers being the subject of a greater number of administrative investigations:

- *Lawsuits*. Officers with a higher number of lawsuits tend to have a higher number of administrative investigations. Receiving four lawsuits is associated with being the subject of one additional administrative investigation.
- *Civil claims*. About four civil claims are associated with one administrative investigation.
- *Citizen's complaints*. About ten citizen's complaints relates to an increase of one administrative investigation. In particular:
  - *Unreasonable force*. An officer receiving about two and a half (2.5) complaints for "unreasonable force," regardless of the SCR investigation's disposition, is related to the officer being the subject of one more administrative investigation.
  - *"Unable to make a determination" dispositions*. A little more than three (or 3.3) complaint investigation outcomes of "unable to make a determination" relate to an additional administrative investigation.
- *Use of force*. By themselves, using force in a greater number of incidents is associated with an increase in an officer's overall number of administrative investigations.<sup>1</sup>

One area is generally related to a *decrease* in an officer's total number of administrative investigations: public commendations. A relatively large number of commendations tends to be associated with fewer administrative investigations.<sup>2</sup>

## ***Lawsuits***

### § All Lawsuits

The following areas of performance areas are systematically related to an officer being the subject of a higher number of lawsuits:

- *Shootings*. An officer's total number of lawsuits increases, on average, by one for every four officer-involved shootings in which he or she is involved.<sup>3 4</sup>
- *Civil claims*. An officer's total number of lawsuits increases by one per every ten civil claims that the officer receives.
- *Administrative investigations*. Being the subject of a large number of administrative investigations, or roughly 14, corresponds to being involved in one additional lawsuit.
  - *"Unresolved" administrative investigations*. A little more than three (about 3.3) "unresolved" administrative investigations correspond to one additional lawsuit.
  - *"Unreasonable force" allegations*. Being the subject of two investigations alleging "unreasonable force" is associated with being the subject of a lawsuit.

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<sup>1</sup> Each discrete incident in which an officer uses force is related to an increase of about 0.03 administrative investigations, with, in other words, about 33 uses of force, by themselves, relating to an additional administrative investigation.

<sup>2</sup> Each commendations is associated with a decrease of about 0.04 administrative investigations, such that about 25 commendations, by themselves, would relate to an officer, on average, being the subject of one fewer administrative investigation.

<sup>3</sup> Most officers in the sample have never been involved in an officer-involved shooting, and, of those who have, most have only been involved in one such shooting (see "Variables," above). Still, each officer-involved shooting increases an officer's total number of lawsuits by an average of 0.23 lawsuits.

<sup>4</sup> We cannot know, because of the nature of our methodology, if this relationship can be explained by the fact that the shootings in which officers are involved lead disproportionately to lawsuits.

- *“Use of force (including firearms and deadly force)” allegations.* Four administrative investigations involving “use of force” correspond to one lawsuit.
- *“Policy of Equality” allegations.* Being the subject of five “policy of equality” allegations would generally relate to an increase in one administrative investigation.
- *“Unfounded” allegations of the following types:*
  - *Derogatory language.* An allegation for having used “derogatory language” judged “unfounded” is associated with being the subject of 1.2 lawsuits.
  - *False statements.* An “unfounded” “false statements” allegation is related to about one additional lawsuit.
  - *Unreasonable force.* A little more than one “unfounded” “unreasonable force” allegation (or 1.33) is related to one lawsuit.
  - *Performance to standards.* About one and two-thirds (or 1.66) “unfounded” “performance to standards” allegations relate to an increase of one lawsuit.
  - *Policy of equality (POE).* About two “unfounded” “POE” allegations correspond to an additional lawsuit.
- *“Unresolved” allegations.* An officer simply having more “unresolved” allegations generally, regardless of type or how other allegations in the same investigation were adjudicated, is associated with a higher number of lawsuits. About eight (or 7.69) “unresolved” allegations correspond to an increase of one lawsuit. Two specific types of allegations, if they are judged “unresolved,” are related to increases in lawsuits:
  - *Unreasonable force.* One “unresolved” allegation of “unreasonable force” is associated, on average, with nearly 2 (or 1.8) additional lawsuits.
  - *Obedience to laws/regulations.* Between one and two (or about 1.4) “unfounded” allegations for “obedience to laws/regulations” are related to an increase in one lawsuit.
- *Written reprimands.* Generally, every four written reprimands correspond to one additional lawsuit.
- *Number of control holds used.* Each use of a control hold is associated with a small overall increase in the officer’s total number of lawsuits.<sup>5</sup>
- *Length of career.* Every year that an officer has been employed by the Department is associated with a very small increase in the officer’s total number of lawsuits.<sup>6</sup> This indicates
- *Commendations.* A commendation is associated with an extremely small increase in an officer’s total number of lawsuits.<sup>7</sup>

We found that some other types of allegations in administrative investigations with particular adjudications led, on average, to a *decrease* an officer’s total number of lawsuits.<sup>8</sup> Because of the high relative of increased risk, however, managers should pay special attention to officers who receive the allegations, with associated dispositions, listed above.

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<sup>5</sup> Each use of a “control hold” is related to an increase of about 0.03 lawsuits.

<sup>6</sup> A year with the Department corresponds to an increase of 0.02 lawsuits.

<sup>7</sup> About one hundred (100) commendations are associated with one lawsuit.

<sup>8</sup> Receiving five allegations relating to “general behavior,” regardless of how it is adjudicated, is associated with a decrease of a lawsuit. Two “unfounded” “general behavior” allegations, in particular, are related to one fewer lawsuit, as are two “unresolved” “general behavior” allegations. One “unfounded” “performance of duty” allegation is associated with one fewer lawsuit, as is one “unfounded” allegation of “false statements.” About six “unresolved” “performance to standards” allegations corresponds to a decrease of one lawsuit, as well.

## **Complaints**

### § All Complaints

The following performance areas are associated with increases in an officer's total number of complaints:

- *Administrative investigations.* Between one and two (or about 1.7) administrative investigations corresponds to an increase of about one complaint.
  - *"Unfounded" investigations.* An "unfounded" administrative investigation is associated with more than one (or 1.18) citizen's complaints.
  - *"Founded" investigations.* Between one and two (or about 1.6) "founded" administrative investigations correspond to one citizen's complaint.
  - *Investigations alleging improper "performance of duty."* Investigations featuring an allegation of "performance of duty" are related to an increase of nearly three (or 2.9) complaints.
  - *Investigations alleging "unreasonable force."* An administrative investigation involving allegations of "unreasonable force" is associated with being the subject of nearly two (or 1.7) additional complaints.
  - *Investigations alleging improper "conduct toward others."* One investigation involving a "conduct toward others" allegation is related to more than one (or 1.15) additional citizen's complaints.
  - *"Founded" allegations.* Each "founded" allegation is related to an overall increase of 0.25 citizen's complaints. Three specific types of allegations, if determined to be "founded," are associated with greater increases:
    - *Use of force (including firearms).* A "founded" allegation involving "use of force" is associated with being the subject of nearly seven (or 6.67) additional citizen's complaints.
    - *Conduct toward others.* A "founded" "conduct toward others" allegation is associated with between one and two (or 1.61) additional complaints from citizens.
    - *Performance to standards.* Each "founded" allegation for "performance to standards" is associated with about one additional citizen's complaint.
  - *"Unfounded" allegations.* Three "unfounded" allegations are associated with an increase of one citizen's complaint.
    - *Performance of duty.* One "unfounded" "performance of duty" allegation is associated with an average of about 8.75 additional citizen's complaints.
  - *"Unresolved" allegations of the following types:*
    - *Conduct toward others.* "Unresolved" "conduct toward others" allegations are associated with between three and four (or 3.56) additional citizen's complaints.
    - *Obedience to laws and regulations.* An "unresolved" "obedience to laws and regulations" allegation is related to an increase of nearly three citizen's complaints (or about 2.87 complaints).
- *Written reprimands.* Each written reprimand that an officer receives in an administrative investigation is associated with between one and two (or about 1.47) additional citizen's complaints.
- *Suspensions.* For every two suspensions, regardless of duration, that an officer receives, that officer, on average, is the subject of two additional citizen's complaints.
- *Civil claims.* About three civil claims are associated with an increase in one citizen's complaint.
- *Public commendations.* Four public commendations are related to one citizen's complaint.
- *Force.* Every seven to eight incidents in which an officer uses force is related to an increase of one SCR complaint.

A few performance types are associated with *fewer* citizen's complaints. Being "exonerated" in an administrative investigation is related, on average, to being the subject of between two and three (or 2.53) *fewer* administrative investigations. A "founded" allegation involving "absence" is related to about one fewer citizen's complaint, while an "unresolved" allegation of "false statements" is related to close to four fewer complaints and an "unresolved" allegation involving "use of force" related to about two fewer complaints in total.

#### § Complaints with a "Should Have Been Different" Disposition

Managers considering whether an officer might be exhibiting behavior typically associated with a higher number of "should have been different" SCR dispositions should consider the following:

- *Administrative investigations.* Being the subject of about four administrative investigations correspond to one "should have been different" disposition.
  - *"False statements" allegations.* A little less than two allegations for making "false statements" are associated with one "should have been different" SCR disposition.
  - *"Performance to standards" allegations.* About two and a half allegations for "performance to standards" correspond to one "should have been different" disposition.
  - *"Founded" allegations.* An officer's total number of "founded" allegations are associated with a slightly higher number of "should have been different" SCRs.<sup>9</sup> Particular types of "founded" allegations are more associated, however:
    - *Failure to report.* Two "founded" "failure to report" allegations are associated with one "should have been different" allegation.
    - *False information in records.* Close to two (or 1.72) "founded" allegations of "false information in records" correspond to one "should have been different" disposition.
  - *"Unfounded" "general behavior" allegations.* Roughly four "unfounded" allegations of "general behavior" correspond to one "should have been different" disposition.

An officer's use of force and number of overall investigations in which there is a "founded" allegation is associated with a very small increase in the number of "should have been different" complaints.<sup>10</sup> An officer's total number of both "unresolved" and "unfounded" allegations is related to a slightly *lower* number of "should have been different" SCR investigations.<sup>11</sup>

#### § Complaints with a "Unable to Make a Determination" Disposition

The following performance indicators are related to an increase in an officer's total number of inconclusive "unable to make a determination" SCR investigations:

- *Administrative investigations.* An officer's total number of administrative investigations is mildly related to the officer's number of "unable to make a determination" SCR investigations, with about ten total administrative investigations corresponding to one such SCR investigation. Specific kinds of administrative investigations are related to a higher number of such investigations, however:
  - *"Founded" investigations.* About six "founded" investigations correspond to one "unable to make a determination" complaint investigation.
  - *"Unfounded" investigation.* About six "unfounded" investigations correspond to one "unable to make a determination" investigation.
  - Allegations of the following types:

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<sup>9</sup> One "founded" allegation relates to an average increase of about 0.03 total "should have been different" SCRs.

<sup>10</sup> One use of force relates to a 0.01 increase in the total number of "should have been different" SCRs, and between sixteen and seventeen "founded" administrative investigations correspond, by themselves, to one additional "should have been different" disposition.

<sup>11</sup> Ten "unresolved" allegations equate, on average, to one fewer such disposition, while it would take close to 25 "unfounded" allegations to, by themselves, equal one fewer "should have been different" SCR.



- *False information in records.* A little more than one (or about 1.3) allegation of “false information in records” is associated with one “unable to make a determination” complaint investigation.
- *Performance of duty.* Between two and three allegations of “performance of duty” (or about 2.4) are associated with an “unable to make a determination” SCR.
- *Safeguarding persons in custody.* Between two and three “safeguarding persons in custody” allegations are associated with one “unable to make a determination” SCR.
- “*Founded*” allegations. A higher number of “founded” allegations is associated with a slightly higher number of “unable to make a determination” complaints.<sup>12</sup>
  - *Performance to standards.* Four “founded” allegation of “performance to standards” correspond to one additional “unable to make a determination” disposition.
- “Unfounded” allegations of the following types:
  - *False statements.* An “unfounded” allegation of making “false statements” is associated with about one additional “unable to make a determination” SCR investigation.
  - *Performance of duty.* An “unfounded” “performance to duty” allegation corresponds to close to an increase of about one (or about 0.87) “unable to make a determination” investigation.
  - *False information in records.* Between one and two “unfounded” “false information in records” allegations (or about 1.5 allegations) are associated with an increase of one “unable to make a determination” allegation.
  - *Performance to standards.* Between one and two “unfounded” “performance to standards” allegations (or about 1.5 allegations) are also associated with an increase of one “unable to make a determination” allegation.
- “Unresolved” allegations of the following types:
  - *False information in records.* An “unresolved” allegation involving “false information in records” is associated with more than two additional “unable to make a determination” dispositions.
  - *Obedience to laws/regulations.* Between one and two “unresolved” “obedience to laws/regulations” allegations (or about 1.4 allegations) are associated with an increase of one “unable to make a determination” allegation.
- *Shootings.* Between five and six (or about 5.6) shootings correspond to an average increase of about one “unable to make a determination” disposition.
- *Written reprimands.* Between six and seven (or about 6.7) written reprimands correspond to an increase of one “unable to make a determination” disposition.
- *Suspensions.* Between seven and eight (or 7.7) suspensions relate to an increase of one “unable to make a determination” disposition.

An officer’s total number of civil claims, uses of force, and public commendations are all mildly, but still statistically, related to a higher number of “unable to make a determination” dispositions.<sup>13</sup>

Some performance indicators are associated with *fewer* numbers of “unable to make a determination” dispositions. Close to three allegations of both “absence” and “failure to report” relate to one fewer “unable to make a determination” disposition. Between one and two (or about 1.5) “founded” allegations of “failure to report” correspond to one fewer of this disposition type.

<sup>12</sup> Each “founded” allegation is associated with an average overall increase of 0.06 “unable to make a determination” dispositions.

<sup>13</sup> One civil claim corresponds to a 0.07 increase in the number of such dispositions, one use of force corresponds to a 0.04 increase in such dispositions, and one commendation corresponds to a 0.02 increase in such dispositions.

More than one allegation involving “use of force (including firearms)” relates to one fewer “unable to make a determination” disposition. An “unresolved” “safeguarding persons in custody” allegation is associated with more than two fewer of these dispositions, and being exonerated in an allegation for “performance to standards” relates to some five fewer “unable to make a determination” dispositions.

### **Claims**

If managers are interested in identifying officers who may be the subject of a higher number of claims against the Department, they should consider the following performance areas, which are associated with a higher number of civil claims:

- *Shootings*. Slightly more than one shooting (or about 1.4 shootings) is associated with an increase of one claim.
- *Lawsuits*. Between two and three and lawsuits (or about 2.4 lawsuits) correspond to an increase of one claim.
- *Administrative investigations*. Every four administrative investigations, regardless of disposition, for which an officer is the subject correspond to an average increase of one civil claim.
  - *“Unresolved” investigations*. A little more than one “unresolved” investigation (or about 1.4 such investigations) is related to an increase of one civil claim.
  - *“Founded” investigations*. Close to six (or 5.9) total “founded” administrative investigations are related to one civil claim.
  - Allegations of the following types:
    - *Performance to standards*. One “performance to standards” allegation corresponds to an increase of nearly 1.4 claims.
    - *Use of force*. One “use of force” allegation relates to an increase of about 1.3 civil claims.
    - *False statements*. One “false statement” allegation corresponds to an increase of about 1.3 claims.
    - *Unreasonable force*. Nearly two (or about 1.7) “unreasonable force” allegations correspond to one civil claim.
  - “Founded” allegations of the following types:
    - *Failure to report*. One “founded” “failure to report” allegations corresponds to an increase of one civil claim.
    - *General Behavior*. A little more than two “general behavior” allegations correspond to an increase of one civil claim.
  - “Unresolved” allegations of the following types:
    - *Failure to report*. One “unresolved” “failure to report” allegation corresponds to nearly two (or 1.83) additional civil claims.
    - *False statements*. An “unresolved” “false statements” allegation corresponds to almost three (or 2.73) additional civil claims.
    - *Use of force (including firearms)*. One “use of force (including firearms)” allegation relates to between one and two (or 1.67) additional civil claims.
    - *General behavior*. More than one (or about 1.3) “unresolved” “general behavior” allegations is associated with an increase of one civil claim.
  - “Unfounded” allegations of the following types:
    - *Safeguarding persons in custody*. An “unfounded” allegation involving “safeguarding persons in custody” is associated to more than two additional civil claims.
    - *False statements*. An “unfounded” “false statements” allegation corresponds to nearly two (or 1.84) civil claims.

- *General behavior.* One “unfounded” allegation involving “general behavior” relates to about one (or 1.1) civil claims.
- *Complaints.* Complaints are mildly related to an officer's number of civil claims, with about 14 complaints, by themselves, corresponding to one civil claim.
  - *Dishonesty.* Between two and three (or about 2.4) complaints for dishonesty are related to an increase of one civil claim.
  - *Discourtesy.* About nine “discourtesy” complaints are related to one additional civil claim.
  - *Off-duty conduct.* Roughly 11 “off-duty conduct” complaints correspond to one claim.
  - *Unable to make a determination.* A little more than four (or about 4.3) “unable to make a determination” dispositions are related to an additional claim.
- *Force.* Each incident of force is associated with a small increase in an officer's total number of claims.<sup>14</sup>

Some specific allegation types, and specifically adjudicated allegation types, are related to *fewer* civil claims.<sup>15</sup> About four written reprimands correspond to one fewer civil claim. About three civil complaints for “unreasonable force” also correspond to an average decrease of one overall civil claim.

#### § Claims Requiring Compensation

The following performance areas are associated with higher numbers of civil claims that require payout; managers should look to such indicators when evaluating employees.

- *Shootings.* Involvement in four shootings corresponds to an increase in one complaint requiring payout.
- *Administrative investigations.* About twelve and a half administrative investigations correspond to an increase of one civil claim requiring payout.
  - *“Unresolved” investigations.* More than five (or 5.26) “unresolved” administrative investigations correspond to an increase of one civil claim requiring payout.
  - *“Founded” investigations.* Each “founded” investigation is associated with a slight increase in the average, overall number of civil claims requiring compensation.<sup>16</sup>
  - Allegations of the following types:
    - *Use of force.* A little more than one (or about 1.26) “use of force” allegations correspond to an increase of one claim requiring payout.
    - *“Founded” allegations.* Each “founded” allegation is associated with a small increase in the total number of claims requiring payout.<sup>17</sup>
      - *Failure to report.* Between one and two (or about 1.6) “founded” “failure to report” allegations corresponds to one claim requiring compensation.
      - *False information in records.* Between one and two (or about 1.4) “founded” “false information in records” allegations corresponds to one claim requiring compensation.

<sup>14</sup> By themselves, it would take between 33 and 34 force incidents to correspond to one civil claim.

<sup>15</sup> A little more than one of either “derogatory language” or “false information in records” allegations is associated with one less civil claim. Being the subject of between two and three allegations related to the Department's “Policy of Equality” is associated with one less claim. A little more than one “founded” “false statements” allegation, an “unresolved” “obedience to laws/regulations” allegation, and an “unfounded” “false information in records” allegation all are related to a decrease of one claim. An “unresolved” “safeguarding persons in custody” allegation corresponds to four fewer civil claims than average.

<sup>16</sup> Between 16 and 17 “founded” investigations would be required for such investigations, by themselves, to be statistically associated with an increase of one civil claim.

<sup>17</sup> By themselves, it would take about 33 such allegations to correspond to one additional civil claim.

- *“Unresolved” allegations.* About ten “unresolved” allegations, by themselves, correspond to an increase of one claim requiring payout.
  - *General behavior.* Between two and three (or about 2.4) “unresolved” “general behavior” allegations correspond to an increase of one claim costing money.
- “Unfounded” allegations of the following types:
  - *False statements.* An “unfounded” “false statement” allegation corresponds to an average increase of 1.2 claims requiring compensation.
  - *Safeguarding persons in custody.* An “unfounded” “safeguarding persons in custody” allegation is related to an increase of nearly one claim requiring compensation.
  - *General behavior.* Roughly two “unfounded” “general behavior” allegations corresponds to one claim requiring payout.
- *Complaints.* Every complaint corresponds to a very small increase in claims requiring compensation.<sup>18</sup>
  - *Discourtesy.* Complaints for discourtesy correspond to the same, relatively small increase that complaints do.
  - *Unable to make a determination.* A little more than eight (or 8.3) “unable to make a determination” complaints correspond to an additional claim requiring compensation.
- *Suspensions.* Each suspension is related to a slight increase in the number of claims requiring payout.<sup>19</sup>
- *Lawsuits.* Each lawsuit is also related to a small increase in the overall number of claims requiring payout.<sup>20</sup>

The amount of data within the PPI for a given officer, or the officer’s total number of years of duty reflected in the PPI, is associated with a very small increase in overall civil claims.<sup>21</sup>

Some specific allegation types, and specifically adjudicated allegation types, are related to *fewer* civil claims.<sup>22</sup>

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<sup>18</sup> One complaint increases an officer’s total number of civil claims requiring payout by an average amount of 0.03.

<sup>19</sup> An officer would need to be suspended more than seven times for the suspensions, by themselves, to correspond to an increase by one in claims requiring payout.

<sup>20</sup> About twelve and a half (or 12.5) lawsuits are associated with one additional civil claim requiring payout.

<sup>21</sup> About 50 years in the PPI would correspond statistically to one additional civil claim requiring payout.

<sup>22</sup> One “unresolved” “safeguarding persons in custody” allegation is associated with a decrease of nearly two civil claims requiring payout. An “unresolved” “performance of duty” allegation is associated with about one fewer claim requiring payout. A “founded” “false statements” claim is related to one fewer claim requiring payout as well, with two “unfounded” “false information in records” related to one fewer of such claims.

## Appendix B

### Number of Incidents Reported Before and After Performance Mentoring By Type of Incident and Number of Years out of the Program

Incident Type	# Emp*	Before Program (1 yr)		After Program (1 yr)		% Change
		Maximum	Average	Maximum	Average	
Administrative Investigations	62	3	0.77	3	0.13	-83%
False Statements	14	1	0.07	0	0.00	-100%
Special Allegations	45	3	0.49	2	0.11	-77%
Claims	44	4	0.64	6	0.45	-29%
Lawsuits	25	2	0.40	0	0.00	-100%
Uses of Force	56	7	1.48	6	1.09	-27%
SCRs	58	9	1.16	4	0.81	-30%
SCRs - Improper Detention, etc.	38	3	0.42	2	0.45	6%
SCRs - Dishonesty	10	0	0.00	0	0.00	None
Shootings	18	2	0.39	1	0.11	10%

Incident Type	# Emp*	Before Program (2 years)		After Program (2 years)		% Change
		Maximum	Average	Maximum	Average	
Administrative Investigations	50	4	1.14	3	0.24	-79%
False Statements	10	1	0.80	0	0.00	-100%
Special Allegations	36	3	0.67	2	0.25	-63%
Claims	35	4	1.09	7	0.69	-37%
Lawsuits	20	2	0.50	1	0.10	-80%
Uses of Force	46	21	4.00	13	2.07	-48%
SCRs	47	11	2.47	8	0.90	-63%
SCRs - Improper Detention, etc.	30	3	0.67	3	0.53	-20%
SCRs - Dishonesty	8	1	0.38	0	0.00	-100%
Shootings	16	2	0.94	1	0.13	-87%

Incident Type	# Emp*	Before Program (3 years)		After Program (3 years)		% Change
		Maximum	Average	Maximum	Average	
Administrative Investigations	36	5	1.97	3	0.36	-82%
False Statements	6	1	1.00	0	0.00	-100%
Special Allegations	26	4	1.04	2	0.35	-67%
Claims	24	5	1.88	7	0.75	-60%
Lawsuits	14	2	0.93	1	0.07	-92%
Uses of Force	34	20	5.00	18	2.47	-51%
SCRs	35	11	3.43	9	1.35	-61%
SCRs - Improper Detention, etc.	22	11	2.45	4	0.73	-70%
SCRs - Dishonesty	7	1	0.43	0	0.00	-100%
Shootings	11	2	1.27	1	0.18	-86%

\* The number of employees who had at least one incident in this category during the review period.