

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

**29th Semiannual Report**

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

This is the 29th Semiannual Report of Special Counsel to the Board of Supervisors, the Sheriff, and the general public concerning the Los Angeles County Sheriff's Department (LASD). Since 1993, these reports study important issues in contemporary policing as they impact upon the LASD. They deal in particular with aspects of policing that run the risk of liability or the deterioration of trust and confidence by the communities and persons served by the LASD.

The 2009 confrontation in Cambridge, Massachusetts between Professor Henry Louis Gates and Sgt. James Crowley generated a national conversation about the role race plays in policing, particularly whether police interpret frustration and anger by racial and ethnic minorities as threatening or potentially violent in circumstances where the police would not necessarily so interpret the same conduct by whites. If so, one might expect more charges of resistance, disturbing the peace, or interference against minority suspects. These charges are collectively and colloquially labeled "contempt of cop." This report will refer to those arrests as "discretionary" or "obstruction" charges.

The first two chapters of this report examine cases where a deputy arrests an individual on the sole charges of resisting arrest, delaying or obstructing a peace officer in his or her duties, or battery on a police officer without injury. We found disparities in the overrepresentation of blacks and Latinos, both adult and minor, in persons arrested on obstruction charges. Yet we compared the breakdown by race of obstruction arrests to that of all LASD arrests and found no notable difference, showing that the disproportion is not specific to this type of arrest.

We nonetheless were troubled by a seemingly overzealous use of such charges against blacks in the Lancaster area, where the proportion of blacks arrested on obstruction charges—64 percent—far exceeded the estimated 17 percent of blacks in the overall population. Palmdale and Carson stations raised some of these same concerns, but to a lesser degree. We also found:

- Among obstruction arrestees, white suspects were significantly less likely to be charged with felony obstruction, as compared to a similar misdemeanor

charge, than were African-Americans and Latinos. According to our review of court data, similarly small percentages of each racial group (about two or three percent) were ultimately convicted of the felony charge. This may mean that felony charges against blacks are less likely to withstand prosecutorial scrutiny.

- Of all suspects arrested on obstruction charges, African-Americans and Latinos had a relatively large percentage of suspects who were minors—23 percent of arrested blacks and 19 percent of arrested Latinos —as compared to white suspects, only ten percent of whom were under 18.<sup>1 2</sup>
- Overall, we found that deputies reported the use of force in approximately 31 percent of all obstruction arrests. The rate was higher, at about 50 percent, for arrestees charged with the more serious charges. Force was involved in the arrest of one quarter of those arrested with less serious charges. About 10 percent of the cases where deputies used force involved a suspect whose contemptuous but otherwise non-threatening behavior appeared to provide the primary reason for the initial escalation.
- African-Americans and Latinos were more likely to have force used against them during an obstruction arrest than were whites, and men were more likely to have force used against them than women. Although we found examples of unnecessary or disproportionate force, we did not find a widespread pattern by LASD deputies to cover excessive force with questionable charges of resisting arrest. Nor did we find that LASD deputies regularly and systematically make arrests using force for verbal challenges and other expressions of anger or frustration by the detained individual, despite finding the approximately 10 percent in which it seemed to occur. In cases triggered by a verbal challenge by the suspect, the deputy appeared to escalate the encounter by prematurely taking action to physically place hands on or search the subject, or by issuing commands without explanation. To be sure, people should generally be courteous to the police and follow simple directions. Nonetheless, officers

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<sup>1</sup> The difference in proportion of minors between white and African-Americans is statistically significant, but differences between whites and Latinos and blacks and Latinos are not.

<sup>2</sup> The large variation in absolute numbers among minors who are persons of color and whites is notable: 57 African-American minors and 66 Latino minors who were arrested on an obstruction charge, compared with just 10 white minors.



should work to balance their personal safety needs with courtesy and a respect for the suspect's perception of the situation and make an effort to avoid or limit the use of force.

A further summary of our findings is set forth below.

The third chapter of the 29th Semiannual Report looks at hate crimes and the quality of the LASD investigations of them. The specialized unit devoted to hate crimes does an excellent job. The quality of investigation at the station level varied widely. The poor quality of investigation in the jails is unacceptable.

This report documents ongoing concerns about the safety and security of inmates in the jails, particularly in Men's Central jail. Last month, our colleagues in the Office of Independent Review detailed increases in suicides and highlighted a disturbing case where one inmate murdered another in circumstances where the LASD should never have housed the two individuals together in the same cell. A recent *Los Angeles Times* articles discussed a current scandal in the LASD where deputies are alleged to have gamed the system to avoid walking the rows on a regular basis to check on the safety and security of inmates.

The incidents we describe in this report therefore follow long-standing serious lapses by the jail staff leading to death and serious injury to inmates. Some have concluded that Men's Central is beyond the possibility of redemption. We reiterate recommendations in earlier reports that the facility should be shuttered and replaced.

## **Chapters 1 and 2**

Chapters 1 and 2 further the dialogue on obstruction arrests from the perspective of the LASD. The topic has recently been the subject of investigations by two newspapers, a police auditor, the author of an issues brief, and by a blue-ribbon panel in the Gates/Crowley matter.

## **A. Recent Studies**

A 2008 study by the *Seattle Post-Intelligencer* found that African-Americans were eight times as likely to be arrested on a standalone obstruction charge as were whites when population was taken into account, and that nearly half of all obstruction charges were thrown out before going to court.<sup>3</sup>

A follow-up report by the Seattle police auditor looked at a sample of “obstruction-only” cases where the subject filed a complaint or where the arresting officer reported more than one such arrest during the time period. Among other findings, the report found that approximately 41 percent of the suspects were ultimately convicted or pleaded guilty, while 24 percent had their cases dismissed “with prejudice.” About 29 percent of cases were dismissed “without prejudice” due to problems of proof. The report also noted that 51 percent of arrestees in the sample were African-American, a much larger proportion than was found in the general population, and discussed policies in place to ensure that obstruction charges were used properly.<sup>4</sup>

A similar review in 2009 by the *San Jose Mercury News* examined records in a little more than half of all court cases where resisting arrest was the most serious charge and found that force was used in about 70 percent of the arrests.<sup>5</sup> The newspaper also reported that San Jose has the highest number of such arrests per capita of any large city in California and that the District Attorney’s office declines to file charges in such cases at a rate higher than that of other jurisdictions in the county.<sup>6</sup>

More recently, a June 2010 report by the Cambridge Review Committee looked at the highly publicized arrest of Harvard Professor Henry Louis Gates on charges of disorderly conduct, and found that both Gates and Sgt. Crowley, the arresting

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<sup>3</sup> Nalder, Eric; Kamb, Lewis; Lathrop, Daniel, “Blacks are arrested on ‘contempt of cop’ charge at higher rate”, *Seattle Post-Intelligencer*, February 28, 2002.

<sup>4</sup> *Auditor’s Report On Obstruction Arrests January 2006-July 2008*, Seattle Office of Professional Accountability, 2008. [http://www.seattle.gov/police/OPA/docs/Auditor\\_Obstruction.pdf](http://www.seattle.gov/police/OPA/docs/Auditor_Obstruction.pdf).

<sup>5</sup> The review looked specifically at arrests on a charge of California Penal Code Section 148(a)(1), which is one of the three charges examined in this study.

<sup>6</sup> Sean Webby, “San Jose police often use force in resisting-arrest cases,” *The San Jose Mercury News*, Oct. 31, 2009.

officer, missed opportunities to de-escalate the situation. The Committee also offered several recommendations for avoiding such incidents in the future.<sup>7</sup>

An issue brief by Christy Lopez on discretionary arrests that also came out in June 2010 similarly considered the Gates arrest and determined that it was “unlawful,” and that his behavior “[fell] squarely in the realm of speech protected by the First Amendment.” Lopez also concluded that “contempt-of-cop” arrests—where “the individual is arrested for showing ‘contempt’ towards a law enforcement officer, either by the way they speak to the officer or by refusing to do what the officer tells them to, or simply because the person is behaving legally but in a way the officer does not like”—are widespread, as is the use of cover charges, which are “meant to help justify or explain an officer’s use of force or other exercise of authority where there may have been no legitimate justification for that exercise of authority.”<sup>8</sup>

While our methodology differed in important ways from similar studies in San Jose and Seattle, our findings detected less pronounced racial and ethnic disparities in the LASD than in those two cities. We looked at all 2007 arrests (the latest complete set at the initiation of our project in 2008) made by the LASD where the only documented arrest charges were one or more of the following:

- Resisting arrest or obstructing an officer in his or her duties, whether a felony (PC § 69) or misdemeanor (PC § 148(a)(1);
- Battery on a peace officer or other public officer without the infliction of injury (PC § 243(b)).

Using records provided by the Department, we analyzed these arrests based on demographics and arresting unit, including whether there were any noticeable differences in numbers or charges across gender, race, age, and station. We also reviewed the final court disposition for each case, based on records provided to us by the Los Angeles Superior Court, and analyzed these based on demographics

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<sup>7</sup> *Missed Opportunities; Shared Responsibilities: Final Report of the Cambridge Review Committee*, [http://www.cambridgema.gov/CityOfCambridge\\_Content/documents/Cambridge%20Review\\_FINAL.pdf](http://www.cambridgema.gov/CityOfCambridge_Content/documents/Cambridge%20Review_FINAL.pdf) (June 2010).

<sup>8</sup> Lopez, Christy. *Disorderly (mis)Conduct: The Problem with Contempt of Cop Arrests*, Issue Brief, American Constitution Society for Law and Policy, June 2010.

and station as well. Finally, we reviewed in detail the subset of arrests which involved a use of force by an LASD officer and the types of force, injury, and suspect resistance involved.

## **B. Findings**

According to the booking data received from the LASD, the Department made 722 arrests (not counting bookings by court or jail units) based solely on one or more of the charges we studied. Of those, the vast majority, about 74 percent, were for misdemeanor resisting arrest/obstruction (PC 148(a)(1)), followed by arrests for misdemeanor battery against a peace officer (PC 243(b)) with 15 percent, and felony obstruction (PC 69) with 12 percent.<sup>9</sup> Overall, obstruction arrests make up a miniscule proportion of all arrests, with most stations reporting between 20 and 40 such arrests in 2007. We note, however, that the number of obstruction arrests is quite high at the Lancaster and Palmdale stations, the two of which make up a full quarter of all obstruction arrests for the Department. It is not clear why these numbers are so high, although both stations also report disproportionately high numbers of misdemeanor and juvenile arrests. They may be the result of particularly aggressive or proactive policing, but supervisors should carefully scrutinize these arrests to ensure that they are not being misused, particularly given the relatively high proportion of African-American arrestees, as discussed below.

Arrests of Latinos made up nearly half—about 49 percent—of all arrests, while African-American suspects composed approximately 35 percent and white suspects composed about 14 percent. This means that, as in Seattle, black suspects are overrepresented and white suspects underrepresented in terms of their proportion of the population—African-Americans make up just 9.5 percent of the County. Yet this proportion is significantly smaller than found in Seattle, which reported that 48 percent of arrestees were black. We did, however, note some troubling trends in terms of race.

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<sup>9</sup>For convenience, arrests with multiple charges are categorized by their most "serious" charge—felony obstruction followed by misdemeanor battery, then misdemeanor obstruction.

Two stations, Lancaster and Palmdale, reported proportions of African-American suspects—64 percent and 46 percent, respectively—that appear to be significantly disproportionate to the population they serve: While there are other large LASD units that also reported high proportions of African-American suspects, such as Compton (71 percent) and Transit Services (Metro and Metrolink) (62 percent), those jurisdictions tend to have much larger percentages of African-Americans living and working (or traveling) in those areas than do Lancaster or Palmdale. Two stations with proportions of African-American suspects smaller than those two north county stations, Century (38 percent) and Carson (36 percent), have larger proportions of African-Americans in their service area.

**We recommend that supervisors carefully review arrests to make sure they are being applied fairly and consistently across groups. Special scrutiny should be given to cases where the suspect is a minor. In particular, supervisors should carefully consider whether the reason for the stop is based on characteristics that may be related to race, such as the suspect wearing baggy clothes, or behavior that can be categorized as “contempt of cop.” The implementation of a tracking and reporting system for discretionary arrests, as have been used in other jurisdictions, would also allow for periodic analyses of racial data and other data to check for potential areas of concern.**

The LASD force rates are much lower than those reported by the San Jose study, which puts the force rate at approximately 70 percent of the filed cases they reviewed. We caution, however, that a direct comparison between the LASD and the San Jose police is difficult to accomplish. Nonetheless, the roughly comparable numbers show force used in 70 percent of misdemeanor arrests in San Jose and 34 percent in the LASD service area.<sup>10</sup>

In general, the use of serious force such as a taser or impact weapons was rare, with most arrests involving control techniques or takedowns. We were surprised

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<sup>10</sup> This number does not include juvenile suspects, who may have higher force rates and for whom we do not have court information. We note also that the San Jose study includes arrests where misdemeanor resisting arrest/obstruction was the most serious of several charges; our study looks only at cases where resisting arrest/obstruction was the only charge. We note also that LASD proportions refer to all arrests, whether or not they were filed in court by the prosecutor. When looking just at adult cases for which a court filing was found, the force rate rises to 42 percent for all arrests and 34 percent for misdemeanor arrests, still much lower than that in San Jose.

to see, however, that tasers were used in seven percent of misdemeanor obstruction arrests involving force. According to Department policy, tasers should be used only against suspects who are assaultive/combative, behavior that seems unlikely to occur during a misdemeanor resisting-arrest incident. **While we caution against fitting the charge to the force used—which would, in essence, be creating a cover charge—more serious uses of force such as the taser, as well as impact weapons and even personal weapons, should be considered in the context of the crime committed and threat posed. Because of a high potential for abuse and the possibility that the suspect's behavior does not rise to the level of assaultive/combative conduct, supervisors should particularly scrutinize reports where terms such as “combative stance” or “clenched fist” are used to describe the suspect’s behavior. Neither a combative stance nor a clenched fist, taken alone, justifies the use of a taser.**<sup>11</sup>

According to a query of the Los Angeles Superior Court’s Trial Court Information System (TCIS), 52 percent of adult arrestees in the sample were convicted of at least one charge related to their arrest—37 percent of at least one obstruction charge, and 15 percent of another charge such as disturbing the peace.<sup>12</sup> Four percent showed charges filed but dismissed. About 44 percent show no related charges filed, whether due to rejection by the prosecutor or other reason.<sup>13</sup> The proportion of suspects ultimately convicted is the same as in Seattle, although it appears that a larger proportion of Seattle cases—about 14 percent—were filed and dismissed.

It is troubling that 48 percent of all adults arrested by the LASD on obstruction charges are never prosecuted, or have charges dismissed or dropped. While there are many reasons why charges might be dropped by the Department or the District Attorney, the Department must be vigilant for cases where the case was found to have no merit or to lack evidence. Officers should not use an arrest simply as a way to resolve a difficult situation or to assert control over a subject

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<sup>11</sup> *Bryan v. McPherson*, 590 F.3d 767 (9th Cir. 2009).

<sup>12</sup> The 52 percent includes plea bargains and reductions of charges.

<sup>13</sup> Cases were matched by name, birthdate, arresting agency, and date of arrest. It is possible that some cases were not matched due to data error, name changes, misspelling, or other issues, but such mismatches should be minimal.

with an angry or disrespectful attitude. Again, obstruction arrests are unique because, in most cases, the only victim is a deputy. **We recommend that Department managers review, on a regular basis, a sample of cases that were rejected for filing either by the Watch Commander or by the D.A. to see whether there is evidence of contempt-of-cop arrests, cover charges, poor tactics, or other issues. The creation of a tracking system for discretionary arrests should have within it a mechanism for tracking the ultimate result of each arrest.**

As part of the study, we examined the general circumstances of each obstruction arrest where force was used by reviewing information about the incident stored in the LASD's Personnel Performance Index (PPI). Our assessment of these incidents mirrored, in many cases, the findings of the Cambridge Review Board on the subject of the Gates incident; namely, that the arrest could have been avoided had one or both parties made an effort to de-escalate the incident. We found that, in most cases, the subject of the arrest set the tone for the incident by being disrespectful or disobedient and by refusing to follow direction. The low level of justification for a detention or a frisk (and the high likelihood that it will be unproductive and not lead to an arrest) means that innocent persons will be left frustrated and angry after the encounter with the deputy.<sup>14</sup>

The Department should continue to emphasize tactical communication in such situations and to use the force review process as a mechanism for determining whether the use of force—and, if appropriate, the attendant arrest—could have been avoided through the use of better communication or tactics.

The nature of our sample prevented us from making a full assessment of the prevalence of cover charges. We were only able to review in detail cases where force was used, which excluded most cases where the subject may have been arrested based only on their verbal actions or general disobedience. We also relied primarily on the deputies' version of the story: Although interviews with the suspect and civilian witnesses were generally included in the force package, we

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<sup>14</sup> Dragnet policing—where a large number of persons are approached by the police for trivial or pretextual reasons—is, in many instances, lazy and unproductive policing. It also sets the stage for the improper use of race or ethnicity as the tacit reason stop. It is to Sheriff Baca's credit that he is opposed to the new Arizona law because it will undermine trust between the Latino community and police.

were not able to make a credibility assessment based on the information provided. Finally, it was not clear, in every case, at what point the decision to arrest was made or what that decision was based on. Because several suspects escalated their resistance while being patted down, escorted somewhere, or restrained, it was difficult to distinguish which behavior ultimately resulted in the arrest. **We recommend that the LASD follow Seattle's example and require officers to explicitly explain what action was being obstructed or resisted as part of their report. We also encourage supervisors to critically review cases where the suspect is described as exhibiting a particular stance or making movements that can be open to interpretation, particularly when there is no other physical resistance.**

Even given these constraints, there were arrests that we interpreted as having a significant contempt-of-cop component, as we have noted earlier.

### **Chapter 3**

Hard times breed hard attitudes, and the fear of joblessness and insecurity makes for scapegoating and blame, which in turn gives rise to crimes of hate. In today's Los Angeles, as in the nation at large, there are instances of hatred which become criminal when the perpetrator goes beyond mere speech, targets a victim, and takes action motivated by bias. A hate crime involves two victims: the specific individual targeted and the group to which the victim belongs. An assault upon a Muslim because of his religion or ethnicity is also an assault on all Muslims.

Enforcement of laws against hate crimes requires a thorough understanding of the distinction between speech and action, the patience to investigate situations where the perpetrator leaves few clues, and an acknowledgment that hate crimes are among the more difficult a prosecutor can undertake. Yet enforcement must be vigorous because the consequences of unbridled hatred, left unchecked, are horrifying.

Against this backdrop, we evaluate in this report the performance of the LASD in handling hate crimes on the streets and in the jails. Some hate crimes are investigated at the Department level by the LASD's Hate Crimes Task Force



(HCTF). More than half of hate crimes and incidents, however, are investigated at the level of individual patrol stations or jail units. HCTF is a model of its kind and does a professional and thorough job. Its two detectives are known by name across many communities and praised for their investigatory acumen and sensitivity to victims and to the victim's community. At the patrol station level, the quality of investigation varies considerably, from poor to acceptable to very good at the West Hollywood Station.

While there was significant room for improvement of station level investigations, the jails were far worse. Indeed, investigation of hate crimes in the jails is shameful and reflective of an unwillingness or inability to recognize hate crimes as such, making it even more difficult for the LASD to provide a safe environment to all inmates at all times. A particularly troubling example illustrates the point.

In April 2009, according to an LASD report, Victim, a physically and mentally disabled male inmate, was sitting on his bunk. Suspect #1 allegedly approached him unprovoked and punched Victim in the face and head 4-7 times. Victim reportedly curled into a fetal position to protect himself and was punched 10-12 more times in the head, 5-6 times in the kidneys. Suspect popped off his prosthetic leg and beat Victim's head with the metal foot. When Victim tried to escape under his bunk, Suspect #1 began to move the bunk. At this point, Suspect #2 reportedly came over to help Suspect #1, moving the bunk and trying to break Victim's arm on the edge of the bunk. Several other inmates joined in on the attack, allegedly saying "Gotta fuck up the blue eyed devil."

*The next day*, Victim was sitting on the floor, facing the wall, rocking back and forth with a blanket over him. Suspect #3 came from behind and placed a chokehold on the victim. According to the report, the Victim could be heard gasping for breath. While maintaining the hold, Suspect # 3 punched Victim over ten times in the face. The report reads, "After the choking incident, [Victim] banged on the door. When Deputies finally arrived, Victim said that he needed to be moved from the cell." Victim was not moved out until the next day. A deputy notes, "I believe that the primary motivation for the [assault] was due to [Victim's] disability." It is disturbing that the investigation then comes to a dead end. After some initial interviews, the detective simply abandoned the case. Ultimately, after repeated

inquiries by us as to the status of the case and why it was abandoned, the case was closed in April 2010 for an asserted lack of evidence. As a result, the case never was brought to the District Attorney's office for filing.

Terribly disturbing is that the victim was brutally treated over two days without a deputy noticing until the victim banged on the door. We might understand if this attack occurred over a few minutes, but undetected, vicious attacks over the course of two days reflects an inability of the jailers in this instance to keep inmates safe such that brutal beatings can go on for a long while without staff even noticing. It may even be worse than that: The recent *LA Times* articles on "Scannergate" suggest that a group of deputies at Men's Central purposely tricked the system to make it appear that they regularly checked on the status of inmates when they did not.

Ironically, racial and ethnic tension in the jails is so much part of the daily routine that it seems to take on an air of normalcy, such that the jailers appear not to perceive violence arising out of those tensions as hate crimes. When, as in the incident cited above, a physically and mentally disabled white inmate is attacked and called a blue eyed devil, it is deemed not worthy of further investigation.

We urge immediate attention to these failures in the jails. Certainly, if an inmate murdered another inmate, there would be an investigation and prosecution. Where an inmate is beaten by another inmate out of bias and animus, there should similarly be an investigation and prosecution. Likewise, when a green light is given to Latinos to do violence to blacks or vice versa, these hate crimes should be punished.

Outside of the jails, we studied in detail hate crimes at the five patrol stations generating the greatest number of hate crimes — Lakewood, Lancaster, Norwalk, Santa Clarita, and West Hollywood. We then randomly selected ten investigations from each of the stations and HCTF for detailed scrutiny.

Of the 56 hate crimes that occurred in these five stations, over one-third (37 percent) of underlying offenses for a hate crime were charges of vandalism. If the offense was violent, it was more likely to be aggravated assault (12 percent), such

as assault with a deadly weapon, than a simple assault (5 percent), such as a fistfight. HCTF posited that the large number of vandalism cases was due to the large audience an offender can reach through the act: The offender often uses vandalism to make a broad general statement usually against a class of people. Whites and Latinos were the primary perpetrators of the most violent offense: aggravated assault. Blacks are more likely than whites or Latinos to be victims in the top three charges—aggravated assault, criminal threats, and vandalism.

Hate crimes motivated by race, ethnicity, or national origin (61 percent), or sexual orientation (24 percent) comprised the majority of hate crime cases (85 percent). Religious discrimination made up another 14 percent. Over half (57 percent) of all sexual orientation-motivated hate crimes occurred in West Hollywood. Nearly a quarter (24 percent) of religion-motivated cases—mostly anti-Semitic—occurred in Santa Clarita.

The majority of filed cases we surveyed (76 percent) resulted in a guilty conviction for an underlying criminal act. According to a query of Los Angeles Superior Court records, only three of those cases (10 percent) were actually filed with a hate crime charge. The rest were filed solely for the underlying crime; assault with a deadly weapon constituted the majority of these charges (62 percent). Of those filed with a hate crime charge, only one (3 percent) actually resulted in a conviction. We are concerned that so few of the cases investigated as hate crimes actually resulted in a hate crime charge and conviction.

In addition to examining how the LASD investigates hate crimes, we evaluated an excellent program devised by Chiefs Tyler and Rhambo to prevent them. The Share Tolerance Program, created and instituted by the Chiefs, combats hate crimes proactively in Los Angeles County. The program's mission—to develop leadership about tolerance among high school students—is conveyed through a combination of a uniformed deputy sheriff, a facilitator, a film, and a trailer. When led by an experienced presenter, this program is an exceptionally effective way to share the values of tolerance. We commend the two Chiefs for this outstanding program.

## Acknowledgments

We offer our thanks and appreciation to the following LASD staff for their valuable assistance during this project: Chief Tom Laing, Chief Cecil Rhambo, Chief Neal Tyler, Captain Axel Anderson, Captain Paul Becker, Captain Kelley Fraser, Captain Christy Guyovich, Captain Karyn Mannis, Captain Patrick Maxwell, Lieutenant Vic Allende, Sergeant Kevin Blake, Lieutenant Bob Blanks, Lieutenant Michael Bornman, Deputy Gregory Chatman, Bonus Deputy Lyndon Dancel, Lieutenant Lawrence Del Mese, Administrative Services Manager II Lori Douglass, Release Clerk Elin Friend, Lieutenant Judy Gerhardt, Assistant Director Wendy Harn, Information Systems Manager I Lee Hiller, Detective Christopher Keeling, Sergeant Steven Mills, Sergeant Don Mueller, Lieutenant David Oliva, Sergeant Sandra Petrocelli, Operations Assistant III Susan Porreca, Sergeant Christian Reddington, Operations Assistant III Valerie Shivers-White, Sergeant David Sprengel, Lieutenant Wes Sutton, Sergeant Bob Wiard, Detective Daniel Zumer.

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# **1. Obstruction Arrests at the LASD**

## **Introduction**

This chapter examines cases where a person was arrested by the LASD on the sole charge of resisting arrest, battery on a police officer without injury, or delaying or obstructing a peace officer in his or her duties (collectively, "obstruction charges"). These offenses, part of a larger group of "discretionary charges," are unique because the subject is accused of no crime or infraction other than that of resisting or failing to follow police instructions, although sometimes physical resistance or the use of force is involved. To a significant extent, then, the arrest is based not only on the suspect's actions, but on the officer's actions and how they respond to each other.

Our study looked at all 2007 arrests made by the LASD where the only arrest charges documented were one or more of the following:

- Resisting arrest or obstructing an officer in his/her duties, whether a felony (PC § 69) or misdemeanor (PC § 148(a)(1) PC);
- Battery on a peace officer or other public officer without the infliction of injury (PC § 243(b))

Using records provided by the Department, we analyzed these arrests based on demographics and arresting unit, including whether there were any noticeable differences in numbers or charges across gender, race, age, and station. We also reviewed the final court disposition for each case, based on records provided to us by the Los Angeles Superior Court, and analyzed these based on demographics and station as well.

Finally, we researched the percentage of these arrests which involved a use of force by an LASD officer and the types of force, injury, and suspect resistance involved. Those data, along with an analysis and discussion of the major dynamics of force-related obstruction incidents, are discussed in the next chapter.

## **I. Background**

Arrests based solely on obstruction offenses are unique because, unlike in most other type of arrests, the subject is accused of no crime or infraction other than that of resisting or failing to follow police instructions. This is particularly true of misdemeanor obstruction arrests, which do not require that the subject be threatening or violent. This category of arrest relies, to a great deal, on the discretion of police officers, who decide whether and how to approach, detain, or search the subject. They must also decide whether the subject's uncooperative behavior rises to the level of an arrestable offense. As such, some observers have speculated that such arrests are sometimes, in essence, arrests for "contempt of cop" — an asserted overreaction by the police to disrespectful or contemptuous attitudes by individuals they confront. These charges are a particular concern where they may be used to cover an unjustified use of force on a disobedient or insolent person, and where they are being used against particular racial or ethnic groups at a disproportionate rate.

There are many good reasons why a person may be arrested on a standalone obstruction charge. Interfering in the investigation of a crime or arrest of a suspect, fleeing or refusing to follow police instructions in regard to a lawful search or detention, and physically resisting lawful police action by threatening, hitting, pushing, or otherwise battering an officer are all crimes that should properly result in an arrest. It is crucial, however, that such arrests be carefully supported by facts that show that the officers' actions and instructions were lawful, and that searches and detentions supported by probable cause. Cases where the suspect was simply disrespectful or where he disobeyed or questioned orders should not, in many cases, result in an arrest unless there was a clear obstruction of the officer's ability to perform his or her duties.

### **A. Contempt of Cop**

The misuse of obstruction charges, particularly the misdemeanor charge of resisting arrest, has long been a topic of concern for those who study policing. In its major report on crime and policing in the United States, the Presidential Commission on Law Enforcement and Administration of Justice, for example,

noted that "if citizens show disrespect for an officer, such conduct alone, while reprehensible, does not justify making an arrest or taking other action."<sup>15</sup> Several newspaper articles have detailed this phenomenon, such as a 1997 *New York Times* story that noted that "[a]n examination of dozens of police misconduct cases suggests that a variety of challenges to police authority — asking for a badge number, videotaping officers, leading them on a chase — can provoke [resisting-arrest arrests]. Some officers feel irritated when someone files a complaint against them, others when a bystander intervenes in their handling of an encounter."<sup>16</sup> Articles from the *Washington Post*, *Las Vegas Review-Journal*, and the *Dallas Observer* have focused on similar cases, where individuals who had mouthed off, protested, or failed to follow directions were arrested for obstruction or on other minor charges. In most of those cases, the charges were ultimately dropped.<sup>17</sup>

This issue — and its intersection with concerns about law enforcement and race — recently gained a great deal of media attention following the July 2009 arrest of Harvard Professor Henry Louis Gates on the charge of disorderly conduct. That case, in which Mr. Gates was arrested based on purportedly “loud and tumultuous” behavior during an interaction with police at his home, sparked a national debate about the right of individuals to argue or show disrespect to the police, the application of disorderly conduct charges on private property, the use of minor charges by law enforcement to assert control or dominance, and racial bias in policing.<sup>18</sup>

## **B. Use of Force**

Obstruction arrests are also considered by many to signal the potential use of unnecessary or excessive force.<sup>19</sup> A 1987 study of the use of force in Syracuse, New York, found that resisting arrest charges were filed in 60 to 70 percent of all arrests

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<sup>15</sup> President's Commission on Law Enforcement and Administration of Justice, (1967). *The Challenge of Crime in a Free Society*. Washington, DC: United States Government Printing Office.

<sup>16</sup> Sontag, D. and Barry D., "Challenge to Authority: Disrespect as Catalyst for Brutality." *The New York Times*, November 19, 1997.

<sup>17</sup> See: Horwitz, S. "Officers Go Too Far: Confrontations Lead to Beatings, Complaints, Lawsuits." *The Washington Post*, November 19, 1998; "Editorial: Contempt of Cop," *Las Vegas Review-Journal*, September 2002; Schutze, J. "Contempt of Cop: You have the right to remain silent... later." *The Dallas Observer*, September 7, 2000.

<sup>18</sup> Abcarian, R. and Murphy, K. "Police debate Obama's remark." *The Los Angeles Times*, July 24, 2009, and "Arrest of Gates also shines a light on 'disorderly conduct' laws", *The Los Angeles Times*, 27 July 2009.

<sup>19</sup> Statutes vary from jurisdiction to jurisdiction. The studies cited herein are roughly analogous to at least one of these offenses, if not all.

involving uses of force, while two other studies found that significant proportions of those filing complaints against police in Philadelphia (35 percent) and an unidentified American city (25 percent) had been so charged.<sup>20</sup> Some researchers have argued that resisting arrest may be used as a "cover" charge when excessive force has been used — that "resisting arrest charges are used by police to protect themselves in situations where questions may arise concerning illegitimate use of force."<sup>21</sup> Making an arrest in such situations can reduce a potential complainant's credibility and create leverage against a claimant in case of civil action.<sup>22</sup>

### **C. Recent Studies**

Recent studies of obstruction arrests have focused primarily on their disparate impact on communities of color, use of force rates, or on low rates of conviction in particular jurisdictions. For example, a 2008 study by the *Seattle Post-Intelligencer* found that African-Americans were eight times as likely to be arrested on a standalone obstruction charge as were whites when population was taken into account, and that nearly half of all obstruction charges were thrown out before going to court.<sup>23</sup> A similar review in 2009 by the *San Jose Mercury News* examined records in a little more than half of all court cases where resisting arrest was the most serious charge and found that force was used in about 70 percent of the arrests.<sup>24</sup> The newspaper also reported that San Jose has the highest number of such arrests per capita of any large city in California and that the District Attorney's office declines to file charges in such cases at a rate higher than that of other jurisdictions in the county.<sup>25</sup>

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<sup>20</sup> See: Croft, E., Austin, B. (1987), "Police use of force in Rochester and Syracuse, New York 1984 and 1985", *Report to the New York State Commission on Criminal Justice and the Use of Force*, New York State Commission on Criminal Justice and the Use of Force, No. III, May, Albany, NY, pp. 1-128; Hudson, J.R. (1970). "Police-citizen encounters that lead to citizen complaints." *Social Problems*, 18, 179-193; and Wagner, A.E. (1980). Citizen complaints against the police: The complainant. *Journal of Police Science and Administration*, 8, 373-377.

<sup>21</sup> See: Adams, K. (1996), "Measuring the prevalence of police abuse of force" in *Police Violence: Understanding and Controlling Police Abuse of Force*, edited by William Geller and Hans Toch, New Haven, CT: Yale University Press, pp. 52-93 and Chevigny, P. (1969). *Police power: Police abuses in New York City*. New York: Vintage Books.

<sup>22</sup> Klockars, C. (1996), "A theory of excessive force and its control", in Geller, W., Toch, H. (Eds), *Police Violence: Understanding and Controlling Police Abuse of Force*, Yale University Press, New Haven, CT., 5.

<sup>23</sup> Nalder, Eric; Kamb, Lewis; Lathrop, Daniel, "Blacks are arrested on 'contempt of cop' charge at higher rate". *Seattle Post-Intelligencer*, February 28, 2002.

<sup>24</sup> The review looked specifically at arrests on a charge of California Penal Code Section 148(a)(1), which is one of the three charges examined in this study.

<sup>25</sup> Sean Webby, "San Jose police often use force in resisting-arrest cases," *The San Jose Mercury News*, Oct. 31, 2009.



An examination of resisting arrest charges by the Austin Police Department found that a larger proportion of "blacks who had police force used against them were charged with resisting arrest" than were arrestees in other groups, and a 2008 article on "refusal to obey" arrests by the Albuquerque Police Departments noted judges dismissed charges in around 70 percent of the 517 such charges filed in 2007.<sup>26 27</sup>

#### **D. Tracking of Discretionary Charges**

As a result of special concerns about agencies' and individual officers' use of discretionary charges, several law enforcement agencies, such as Pittsburgh and San Francisco, have begun to track such arrests in their early warning systems. Their inclusion has become a feature of several monitored settlement agreements with the US Department of Justice based on alleged patterns or practices of police misconduct, including those with police departments in the Virgin Islands, Detroit, Cincinnati, and the City of Los Angeles. The Los Angeles Police Department also has a policy that requires the watch commander to review all discretionary arrests (a list of charges that includes the obstruction charges in this study along with others) before booking to "determine whether issues or concerns regarding training, policy, or tactics need to be addressed."<sup>28</sup>

The LASD does not have a specific tracking mechanism for discretionary charges, although it does track the type of charge attached to each use of force made during an arrest. Each such use of force, as is regular practice, is evaluated on an individual basis, a process that should—and usually does—include some assessment of the legal standing of the initial contact and actions of the officers. To our knowledge, however, the Department does not systematically analyze those data as a whole, a process which is made more difficult by the fact that information from different databases—including arrest, prosecution, and

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<sup>26</sup> Alford, A. "Resistance, race affect police response: Minorities not charged with resisting arrest subject to unequal force compared with whites." *Austin-American Statesman*, March, 28, 2004.

<sup>27</sup> Wilham, T.J., "N.M. cops can't arrest for 'refusing to obey.'" *Albuquerque Journal*. November 25, 2008.

Note: The local ordinance refers to "resisting, obstructing or refusing to obey an officer." Following this study, the APD strictly limited the use of this charge on a standalone basis to those cases where the suspect is physically impeding the officer from carrying out his or her duties.

<sup>28</sup> 216.23 ARRESTS FOR INTERFERING, RESISTING ARREST, OR ASSAULT ON AN OFFICER. Manual of the Los Angeles Police Department, 2010.

disposition data—is not easily linked. **As a matter of best practice, and as a tool that will allow managers to analyze some of the trends we discuss here, we recommend that the LASD implement a specific policy for the tracking and analysis of discretionary arrests through the PPI.**

This study was undertaken to provide a picture of arrests made by officers of the Department—the demographics of the arrestees, who made the arrests, whether and how force was used, and what ultimately became of the arrests. We recognize that the factors affecting these results—including behavior of the suspect and environmental factors—are complex and, in regard to prosecution and disposition, subject to considerations outside the control of the Department. Nonetheless, taking a broad look at the overall data should provide some perspective on how and why LASD officers make obstruction arrests, whether they ultimately stand up in court, and where there are particular dynamics or trends that suggest a lack of consistency among demographic groups or jurisdictions.

#### ***E. Relevant California Penal Codes and Case Law***

##### **1. Obstruction and Resisting Arrest: §148(a)(1) and §69**

Under the California Penal Code, the lesser obstruction charge, §148(a)(1) (“resisting arrest” or “resisting/obstruction”), states that any person who willfully resists, delays, or obstructs a peace officer in the discharge or attempt to discharge of any of his or her duties, shall be punished by a fine of \$1000 maximum and/or one year or less imprisonment.<sup>29</sup> The more serious obstruction charge, §69 (“felony obstruction”), states that any person who attempts to deter or prevent an executive officer from performing any of his or her official duties by threats or violence, or who knowingly resists the officer in performing an arrest or other duty by use of force or violence, is punishable by a fine of no more than \$10,000 and/or imprisonment of one year maximum.<sup>30</sup> Thus §69 and §148(a) (1) differ in a few ways: while §148(a)(1) applies to any public officer, §69 only applies to executive officers (which include police officers); second, §69 has a use of force or violence

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<sup>29</sup> California Penal Code Section §148(a)(1).

<sup>30</sup> California Penal Code §69.

component lacking in §148(a)(1);<sup>31</sup> finally, §148(a)(1) is a misdemeanor and §69 is a felony.

Looking specifically at the elements of §148(a)(1), one of the questions that arises is who is conducting the arrest and whether the officer is in fact discharging his or her official duties. An arrest is not lawful under §148(a)(1) if it is not conducted by a peace officer and, assuming it is an officer, if he or she is not performing a lawful duty. One example in the case law involves highway patrol officers about to go on duty, standing next to a highway patrol office. They were in full uniform with gun belts and badges. Suddenly, they heard sounds of fighting nearby and responded, leading to a resisting arrest charge. One of the issues was whether the officers were in fact on duty. The court found that they were.<sup>32</sup>

One issue that comes up in our chapter is if an individual may resist arrest. In several of the incidents analyzed, individuals who were arrested for obstruction thought they had a right to resist arrest because they did not believe there was an underlying crime of which they were guilty. They were wrong to so assume. For instance:

- In Lancaster, a deputy observed an African-American man driving with an expired registration. When he pulled the suspect over to warn or cite him, he smelled what he thought was burnt marijuana (later deemed to be a type of cigarette-cigar). The deputy ordered the suspect out of the car to conduct a search. The suspect refused to get out. The suspect was “frustrated and agitated.” Suddenly, “without warning [the suspect] rapidly swung his left hand to his right side” (the suspect states he was unlocking his seat belt). Fearing that the suspect was reaching for a weapon, the deputy OC sprayed the suspect, took him to the ground, and handcuffed him without resistance. Upon being interviewed, the suspect allegedly stated that he did not know he legally had to obey the deputy’s lawful orders and therefore resisted arrest, believing he was being pulled over solely for racial reasons. The suspect was arrested for and convicted of misdemeanor resisting/obstruction. The supervisor’s report

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<sup>31</sup> *People v. Buice*, 230 Cal App 2d 324 (Cal App 2d Dist, 1964).

<sup>32</sup> *People v. Derby*, 177 Cal App 2d 626 (Cal App 3d Dist., 1960).

found that though the use of OC spray was objectively reasonable, the deputy could have used better tactics.

The case law makes clear that a person has a narrow and limited right to resist unlawful arrest, but no right to offer physical violence or resistance to the arresting officer.<sup>33</sup> The unlawful arrest should be fought in the courts, not “in private reprisal.”<sup>34</sup> In short, when an arrest constitutes a seizure or lacks reasonable probable cause under the Fourth Amendment,<sup>35</sup> the law requires that an individual submit peacefully and pursues available remedies through the judicial process.<sup>36</sup>

Examples in case law of pursuing legal remedies for unlawful arrests include a traffic stop where the police had no reasonable grounds to stop the defendant’s car for having no license plates when a temporary operating permit was visible to the officers, lawfully situated and valid.<sup>37</sup> Likewise, when an apartment occupant refused to stand aside to permit an officer to enter, he was not obstructing an officer in the course of his or her lawful duty.<sup>38</sup>

## 2. Battery:§243(b)

Under §242 and §243, battery is the willful or unlawful use of force or violence upon another.<sup>39</sup> When a battery occurs against a civilian, the punishment is a fine of maximum \$2000 and/or imprisonment in county jail of six months maximum.<sup>40</sup> When battery knowingly occurs against a peace officer in the performance of his or her duties, the fine amount remains the same but imprisonment increases to a maximum of one year.<sup>41</sup> When injury to the peace officer occurs from a battery, the punishment increases to a maximum \$10,000 and/or imprisonment in county jail

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<sup>33</sup> “The absence of probable cause does not grant an individual the right to offer resistance...An individual’s limited right to offer reasonable resistance is only triggered by an officer’s bad faith or provocative conduct.” *Arpin v. Santa Clarita Valley Transportation Agency*, 261 F.3d 912 (9th Cir. 2001), citing *United States v. Span*, 970 F.2d 573, 580 (9th Cir. 1992). See also *In re Application of Emmett*, 120 Cal App 349 (Cal App. 1932); *People v. Craig*, 152 Cal 42 (1907).

<sup>34</sup> *Pittman v. Superior Court of Los Angeles County*, 256 Cal App 2d 795(Cal App 2d Dist. 1967).

<sup>35</sup> “Probable cause exists when, under the totality of the circumstances known to the arresting officers (or within the knowledge of the other officers at the scene), a prudent person would believe the suspect had committed a crime.”

*Blakenhorn v. City of Orange*, 485 F.3d 463 (9th Cir. 2007), quoting *Dubner v. City & County of San Francisco*, [266 F.3d 959](#), 966 (9th Cir.2001) (citation omitted).

<sup>36</sup> *People v. Curtis*, 70 Cal 2d 347 (Cal. 1969).

<sup>37</sup> *People v. Hernandez*, 146 Cal App 4th 773 (Cal App 3d Dist. 2006).

<sup>38</sup> *People v. Wetzel*, 11 Cal 3d 104 (Cal. 1974).

<sup>39</sup> California Penal Code §242.

<sup>40</sup> California Penal Code §243(a).

<sup>41</sup> California Penal Code §243(b).

for a maximum of one year or state prison for a maximum of three years.<sup>42</sup> For the purposes of this study, we looked only at charges of §243(b), battery against a peace officer where there is no injury (“battery on a peace officer”). Interestingly, with a battery charge, any amount of force against another is sufficient to convict. It is a general intent crime, meaning that the code does not require proof of intent to injure but proof of intent to commit the act.<sup>43</sup>

### 3. Associated Charge: Fighting/Disturbing the Peace Fighting: §415

We found that a significant proportion of obstruction arrests were reduced to a charge of fighting or disturbing the peace, usually resulting in conviction. It is against the law to fight or challenge another to a fight in a public place. One may not willfully disturb another by loud and unreasonable noise or use offensive words in a public place that are likely to provoke an immediate violent reaction. To do so is punishable by imprisonment in county jail for no more than 90 days and/or a fine of no more than \$400.<sup>44</sup> This charge is routinely used in family disturbance incidents. In addition, the courts have found that threats to police officers or challenges to fight are in violation of § 415.<sup>45</sup>

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<sup>42</sup> California Penal Code §243(c)(2).

<sup>43</sup> *People v. Lindsay*, 209 Cal App 3d 849 (Cal App 5th Dist. 1989).

<sup>44</sup> California Penal Code §§415(1)-(3).

<sup>45</sup> *People v. Colbert*, 6 Cal App 3d 79 (Cal App 2d Dist. 1970).

## **II. Obstruction Arrests**

### **A. Data Methodology**

#### **1. Automated Justice Information System**

The cases for this study were taken from the Automated Justice Information System (AJIS), the LASD's booking and jail management database. Each arrestee, whether cited out (released with a Notice to Appear in court) or booked into a jail, should be entered into the system under a unique booking number. The database collects basic arrest and suspect information and tracks each arrestee throughout their stay in the custody of the Department, providing information about the inmate's location and ultimate release.

Where available, the database also pulls in information from other County agencies such as the Los Angeles Superior Court, generally for the purposes of explaining where and why a suspect was incarcerated, transferred, or released. This functionality, however, is limited in that it only tracks each case up to the point of initial release. As such, a person who is cited out or who is released on bail or bond before their court date will not have final case information attached to their AJIS record. Because of the relatively minor character of most of the discretionary charges at issue, most of the cases used in the study fell in this category. The collection of this data thus necessitated a separate data request, as described later in this chapter, directly from the Court.

We requested and received a data file from the Department's Custody Support Services unit containing all of the LASD's 2007 arrests where the suspect was arrested on a charge of least one of the following charges:

- Penal Code §148(a)(1): Resisting or obstruction of a police officer (148PC or “resisting arrest/obstruction”);
- Penal Code §69: Resisting an executive officer (69 PC or “felony obstruction”);
- Penal Code §243(b): Battery on a Peace Officer (243(b) PC or “battery on a peace officer”).

Note: In this report, each charge will be generally referred to by the names listed in parenthesis. These names, though inexact, are used for convenience and ease of reading. The calendar year 2007 was selected because it was the latest year with complete data when we began this project.

## 2. Exclusions

### a. *Non-standalone arrests*

A total of 2,376 arrests included at least one obstruction arrest charge. Many of those arrests also included other charges, some of which were quite serious (for example, three arrests included an attempted murder charge and 23 included a robbery charge). In these cases, the discretionary charge is generally a secondary charge stemming specifically from the suspect's actions during an arrest for a different crime. For the purposes of this study, we do not consider these arrests to be obstruction, discretionary arrests.<sup>46</sup> As a result, any case involving at least one non-obstruction arrest charge was automatically excluded from the study. Arrests involving multiple obstruction charges, however, were retained.

### b. *Duplicate subjects*

In all, we found 807 unique bookings whose arrest charges fit our parameters and represent "standalone" obstruction arrests. Of those, 26 were found to be duplicate subjects, with the same name and date of birth. We reviewed each subject's AJIS records to see whether the two booking numbers appeared to be tied to the same arrest and found that, in seven cases, the second arrest was made by a court or jail unit and appeared to be a rebooking on the same charges, probably following a court date. For each of these, the second arrest was removed from the dataset. In the other 19 cases, both arrests were made by a patrol unit and appear to represent separate incidents. For these cases, both arrests were retained in the database.

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<sup>46</sup> It should be noted that, due to its relative severity, a discretionary charge may, in fact, become the "primary charge," where a person resists or obstructs a police officer during an investigation of a less serious misdemeanor or infraction. An argument could be made that many such arrests do not differ materially from standalone arrests in terms of the circumstances of the arrest, particularly where the person was only arrested due to his or her resistance or obstruction. Due to the difficulty of differentiating each such case, however, these were also excluded from the study.

c. *Court and Jail Bookings*

A total of 78—about 10 percent—of the remaining cases were attributed to a jail (17 cases) or court services unit (61 cases). Because we could not be certain that they represented actual arrests made in 2007, we also excluded these bookings. It is likely that in many of these cases, the subject was rebooked into custody following a court date or other re-arrest.

**B. Final Study Sample**

The final study sample included 722 total cases, including 19, as noted above, second arrests of the same person. Of those, the most common primary charge—composing approximately 74 percent of cases—was for resisting arrest/obstruction (148(a)(1) PC), followed by arrests for misdemeanor battery against a peace officer (PC 243b) with 15 percent, and felony

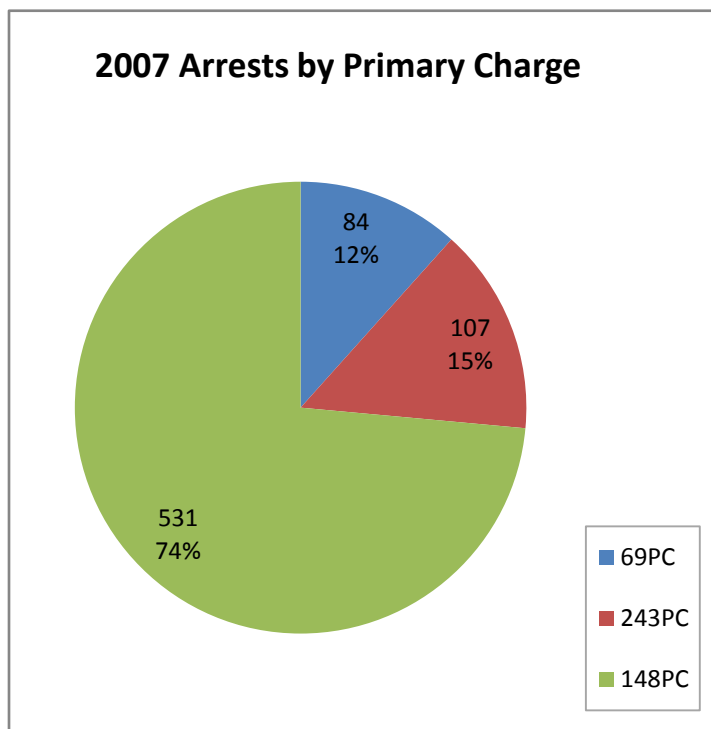


Figure 1.1: 2007 Arrests by Primary Charge

obstruction (PC 69) with 12 percent.<sup>47</sup> Five felony

obstruction arrests and 31 battery arrests also included misdemeanor resisting arrest charges.

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<sup>47</sup>For convenience, arrests with multiple charges are categorized by their most "serious" charge—felony obstruction followed by misdemeanor battery, then misdemeanor obstruction.



## 1. Gender

Men made up the majority of obstruction arrests, with about 77 percent of all cases, while women made up just 24 percent. In general, women arrested on obstruction charges were slightly more likely than men to be charged with a lesser offense, as shown in the charts below, and significantly less likely to be charged with a felony.<sup>48</sup>

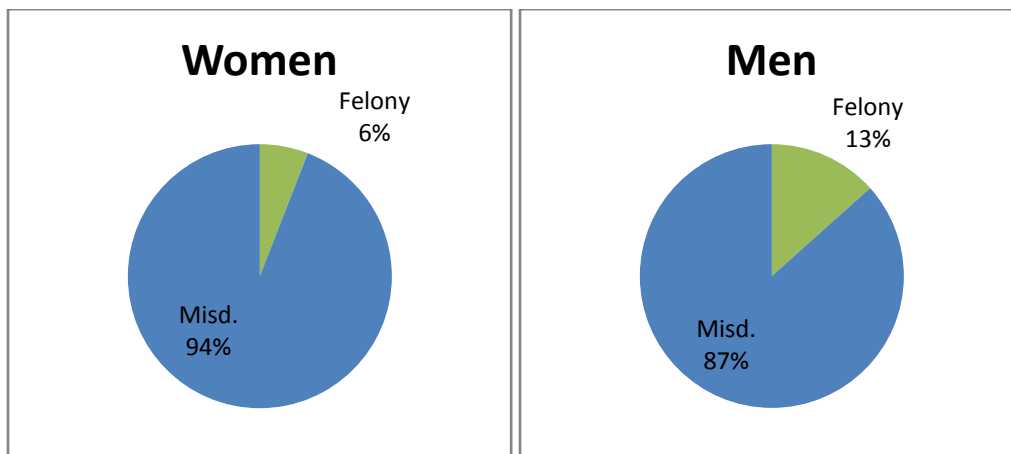
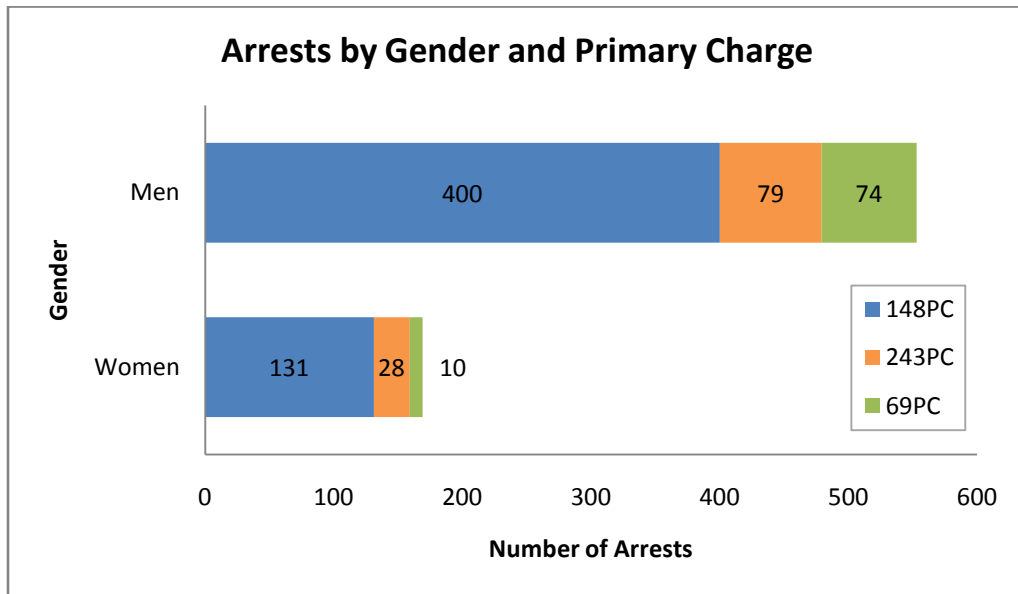


Figure 1.2: Arrests by Gender

<sup>48</sup> Unless otherwise noted, significance is calculated at the  $p=.05$  level throughout this report.

## 2. Race/Ethnicity

Nearly half—352 arrests, or 49 percent—of obstruction arrests were of Latinos, followed by African-Americans (250, or 35 percent) and whites (104 arrests, or 14 percent). Just 16 arrests, about two percent, were of suspects of other races or ethnicities. African-American and “Other” suspects were slightly more likely to be male than were subjects of other ethnicities, but those differences were not statistically significant.

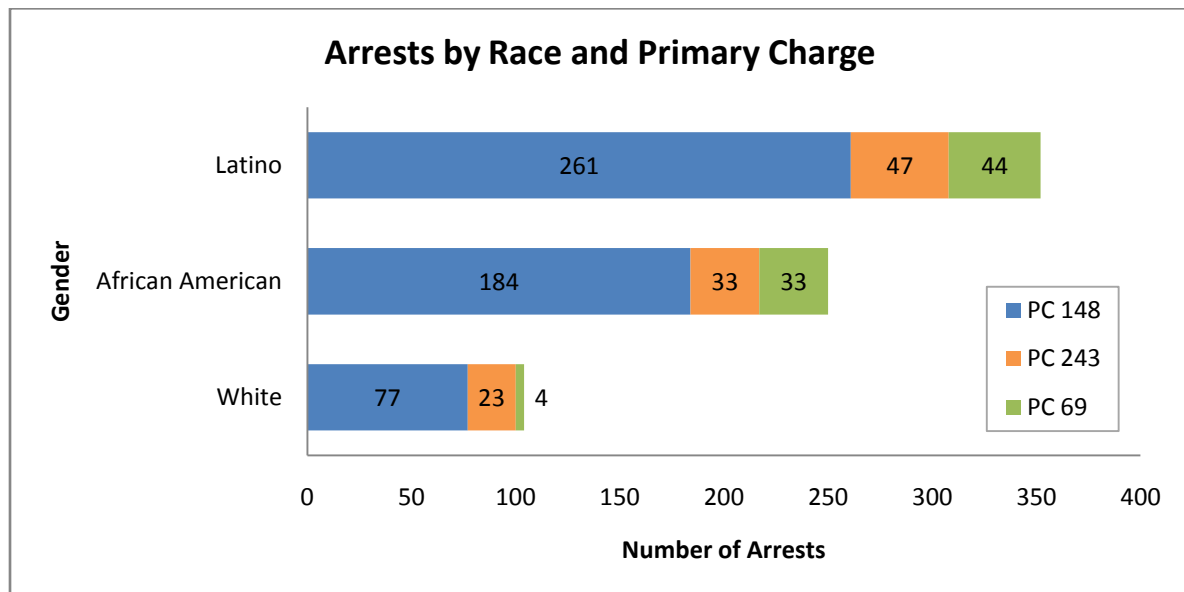


Figure 1.3: Arrests by Race and Primary Charge

As was found in Seattle, black suspects are likely overrepresented and white and Asian suspects are likely underrepresented in terms of their population—African-Americans make slightly less than 10 percent of the County and LASD jurisdiction.<sup>49</sup> Yet the proportion of black suspects is significantly smaller than that found in Seattle, which reported that 48 percent of arrestees were black.

It is difficult to determine the source of the overrepresentation. The character of Los Angeles County jurisdiction is such that people easily pass in and out of various cities—some of which are not patrolled by the LASD—and unincorporated

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<sup>49</sup> 2000 Population by Station and City, Los Angeles Sheriff's Department. These numbers are based on the 2000 Census and are thus not completely up-to-date. They represent, however, the most comprehensive demographic data available for the entire jurisdiction and are considered to be a reasonable estimate of the population makeup of areas served by the LASD.

areas, and racial proportions vary widely across the area. A few areas, some of which may incur greater police attention, report proportions of African-Americans that are significantly higher than the average. Added to these factors is the fact that African-Americans are vastly overrepresented in the criminal justice system across the nation, the complex reasons for which will not be examined here; similarly, whites and other groups such as Asian Americans are underrepresented. To see whether obstruction arrests bucked that pattern in any way, we compared obstruction arrest numbers with total LASD arrest numbers for 2007 and found that the proportions were very similar, as detailed in the chart below. As such, it appears that the racial imbalances we found are not specific to obstruction arrests.

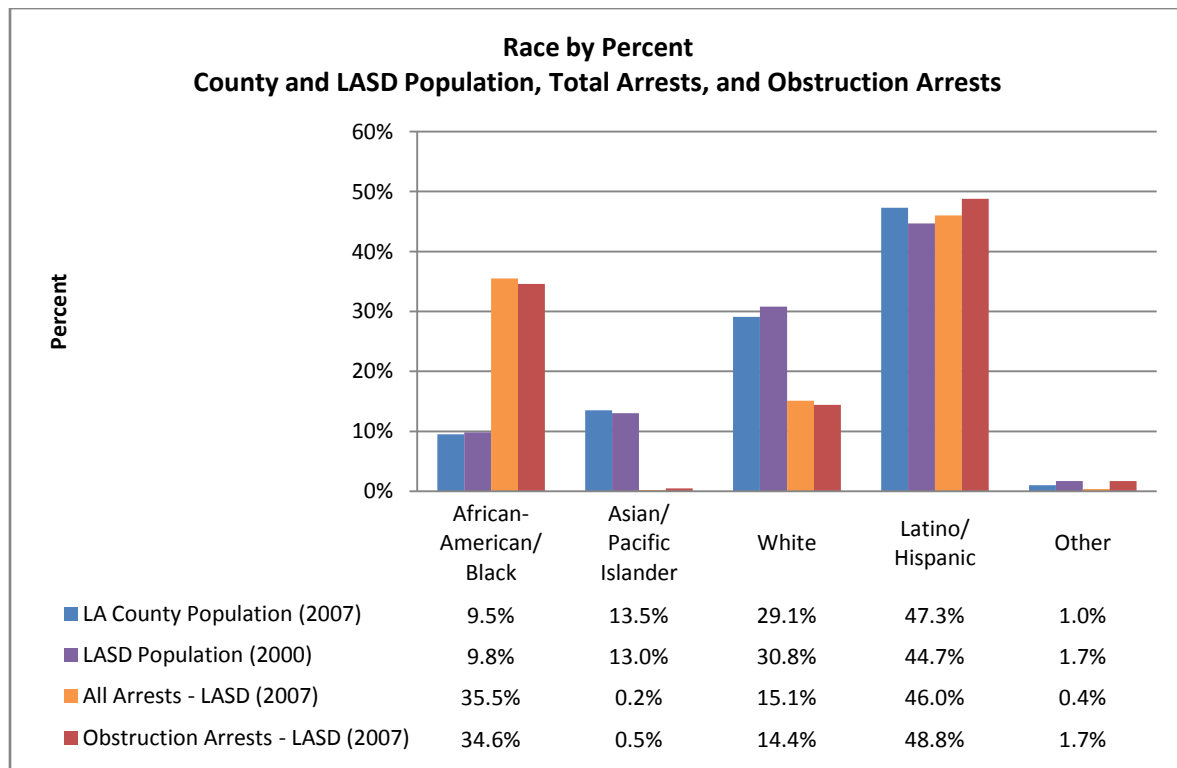


Figure 1.4: Percent by Race: County Population, Total Arrests, and Obstruction Arrests

a. *Charges by Race*

In terms of charges, there was significant variation among the major ethnic groups.<sup>50</sup> All three groups had approximately the same proportions of subjects charged with misdemeanor obstruction: about 74 percent. The breakdown of the remaining primary charges for whites, however, is markedly different from that for African-Americans and Latinos. Specifically, 22 percent of whites in the sample were arrested on a primary charge of 243b PC—misdemeanor battery on a police officer—while 13 percent of both the African-American and Latino groups received that charge. Only four percent of whites (just four arrestees in total) were charged with a felony 69 PC charge, in contrast to 13 percent for both African-Americans and Latinos.

As a result, African-Americans and Latinos charged with an obstruction offense were significantly more likely to be charged with a felony than were white arrestees in the same category. When misdemeanor resisting/obstruction arrest charges are included in the calculation, the difference is statistically significant at the  $p=.1$  level; when 148 PC charges are excluded, however, the difference is significant at the  $p=.05$  level.

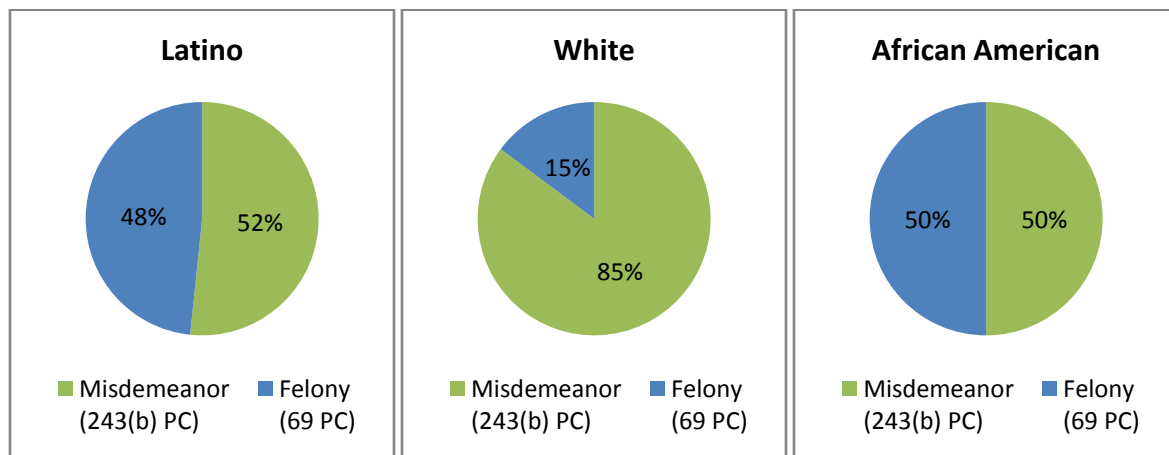


Figure 1.5: Misdemeanor Battery vs. Felony Obstruction by Race

The variation among groups is notable because, unlike misdemeanor obstruction, both standalone felony obstruction and misdemeanor battery charges involve the

<sup>50</sup> Because of the very small size of the “other” ethnic group, relative percentages are easily distorted and have been excluded from this analysis.

use of physical force or violence against a police officer, generally without the infliction of injury.<sup>51</sup> In the case of a felony charge, of course, the force is committed with the intention of obstructing the officer, while that is not necessarily the case with a battery charge, and is likely a more serious, deliberate use of force. Nonetheless, the offenses referenced may be quite similar, with the primary difference being the charge level. That a white arrestee is significantly less likely to be charged with a felony for actions that may be very similar is thus a cause for potential concern, particularly given our finding, discussed later in the chapter, that this racial imbalance disappears when looking at conviction rates. In fact, similarly small percentages of obstruction arrestees in each racial group (about two or three percent) were ultimately convicted of the felony charge. (For a discussion of the types of resistance resulting in each type of charge during encounters involving force, see the next chapter.)

### 3. Age

The ages of suspects arrested on an obstruction charge skewed relatively young, with about 60 percent of all arrestees falling into the category of 25 and under; 18 percent were under the age of 18. The following chart shows the breakdown of primary suspect by age category. In general, younger suspects were slightly more likely to be charged with more serious offenses than were older suspects, and suspects under 26 were more likely to be charged with a felony. These differences were not statistically significant, however.

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<sup>51</sup> Felony obstruction charges may also include the obstruction by threat of force.

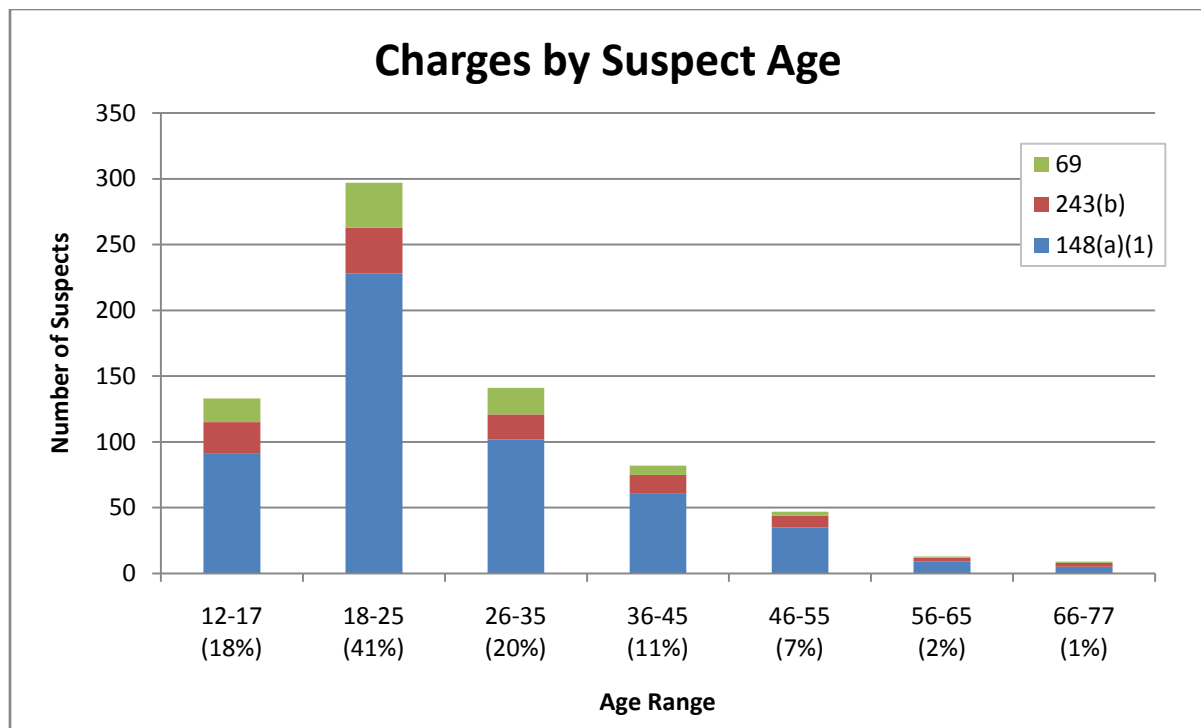


Figure 1.6: Charges by Suspect Age

a. Age and Race

In looking at the age of suspects by race, we found some significant differences. Specifically, African-Americans and Latinos arrested on obstruction charges were much more likely to be under the age of 26 than were white suspects, who tended to be older overall.

- Nearly two-thirds of all Latino arrestees—approximately 64 percent—were aged 25 or under, as were 61 percent of all African-American obstruction suspects. In contrast, just 41 percent of white arrestees fell into that category. The differences between whites and the other two groups were statistically significant.
- African-Americans and Latinos had relatively large proportions of suspects who were minors—23 and 19 percent, respectively—especially as compared to white suspects, just 10 percent of whom were under the age of 18. (The difference in proportion of minors between white and African-Americans was statistically significant, but differences between other groups were not.)

- Whites arrested on obstruction charges were much more likely to be over the age of 45; fully one-fifth of all white arrestees falling into that age category. Just 8 percent of both the African-American and Latino Groups were over the age of 45.

The large variation in ages among groups of color and whites is notable, particularly in regard to the relatively significant number of African-American (57) and Latino (66) minors who were arrested on an obstruction charge, compared with just 10 white minors.

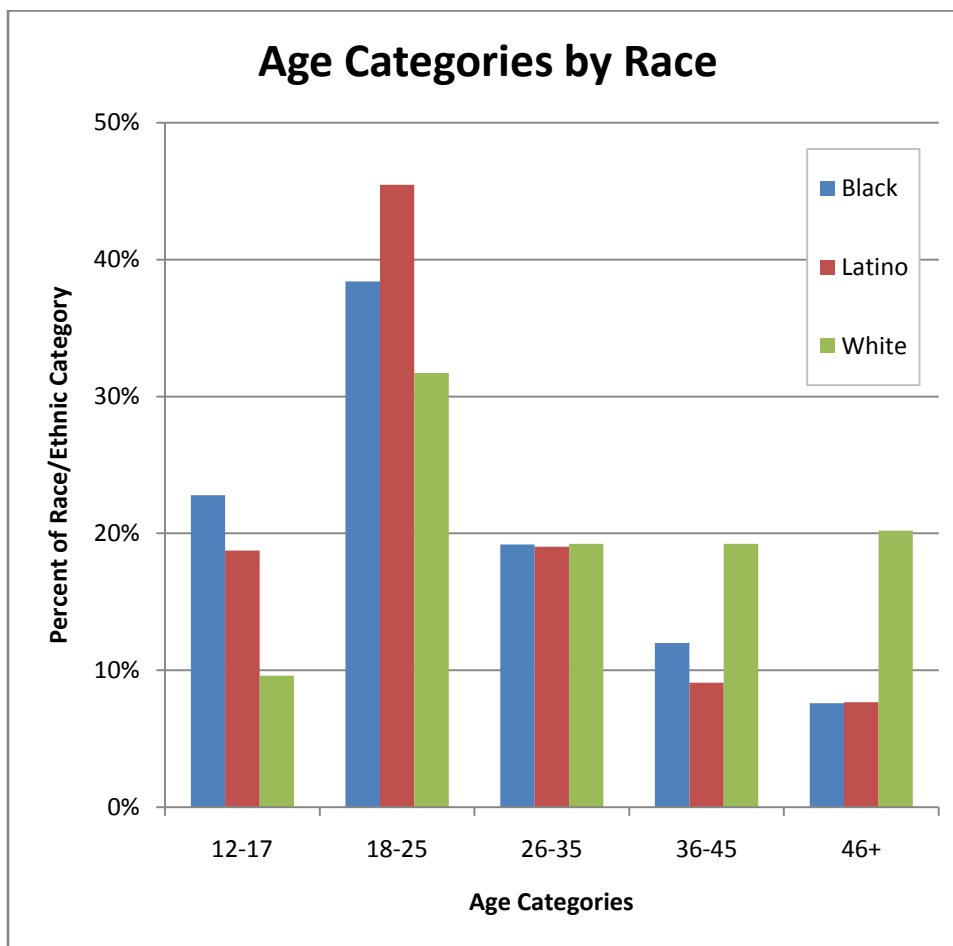


Figure 1.7: Age Categories by Race

#### 4. Arresting Unit

The chart below shows the number of arrests by station or unit, looking only at those units that had at least 10 arrests in 2007.<sup>52</sup> For ease of reference, non-patrol officers working out of patrol stations, such as detectives, OSS, or narcotics officers, have been included in station totals. They make up a very small proportion of all arrests—just 17 arrests in total. We have also combined all Transit Services Bureau arrests into one unit.

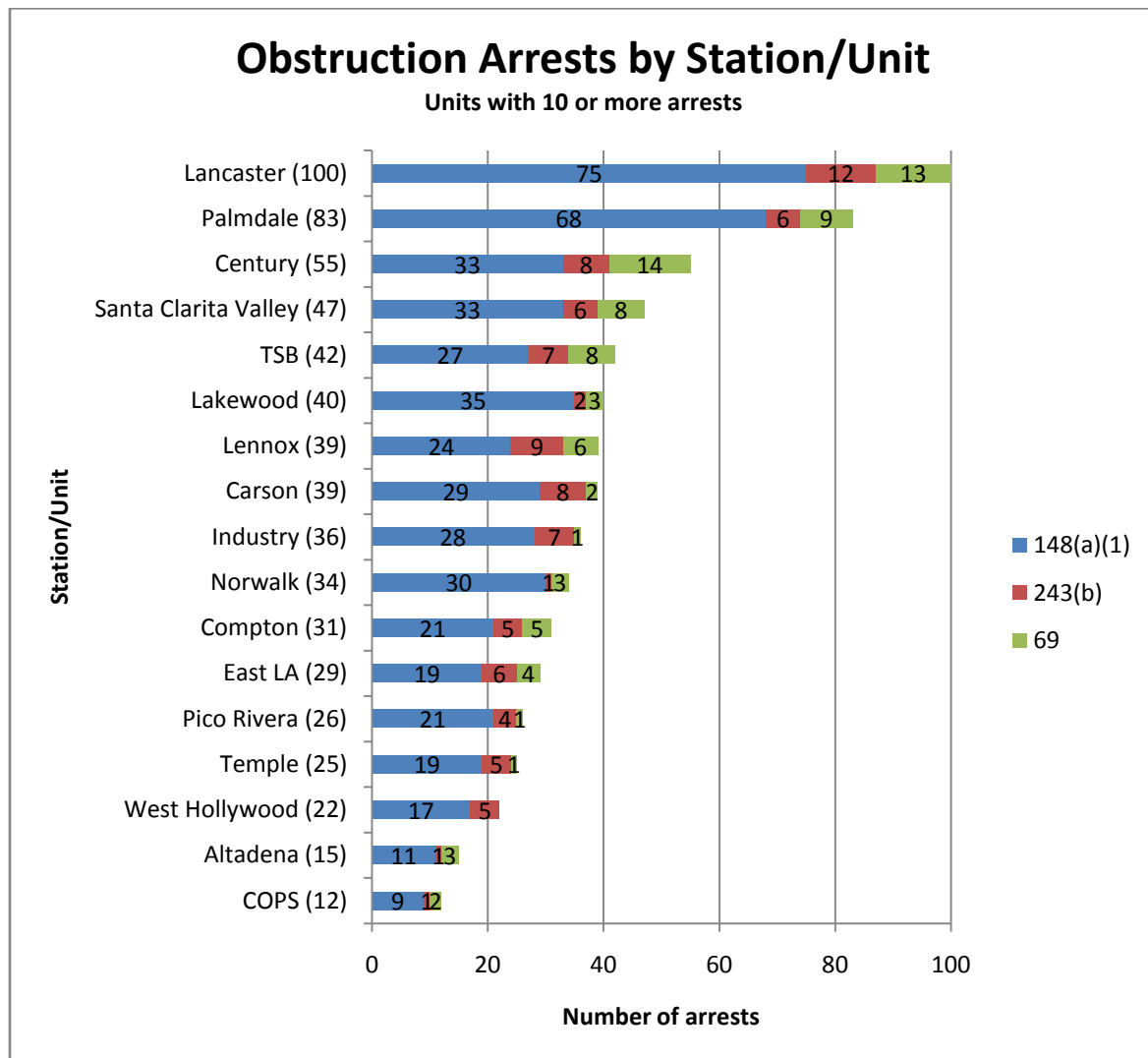


Figure 1.8: Obstruction Arrests by Station/Unit (Units with 10 or more arrests)

<sup>52</sup> Eleven other units or patrol stations reported obstruction related arrests in 2007: Walnut (9), Lost Hills (9), San Dimas (7), Lomita (7), Cerritos (5), Special Victims (2), Marina Del Rey (2), Malibu (2), Aero (2), LA Impact (1), and Avalon (1). Again, this analysis excludes all “arrests” made by court or jail units.



Obstruction arrests are highly concentrated in just a few stations, with arrests by six units—Lancaster, Palmdale, Century, Santa Clarita Valley, Transit Services, and Lakewood—making up more than 50 percent of all obstruction arrests. The numbers are particularly high at the Lancaster and Palmdale stations, the two of which make up a full quarter of all obstruction arrests. Both of these units are part of Region I, as is Santa Clarita Valley Station, the station with the fourth highest number of arrests. In fact, when arrests are compared by patrol region, Region I makes up about half of both misdemeanor and felony obstruction arrests, and 43 percent of misdemeanor battery arrests.

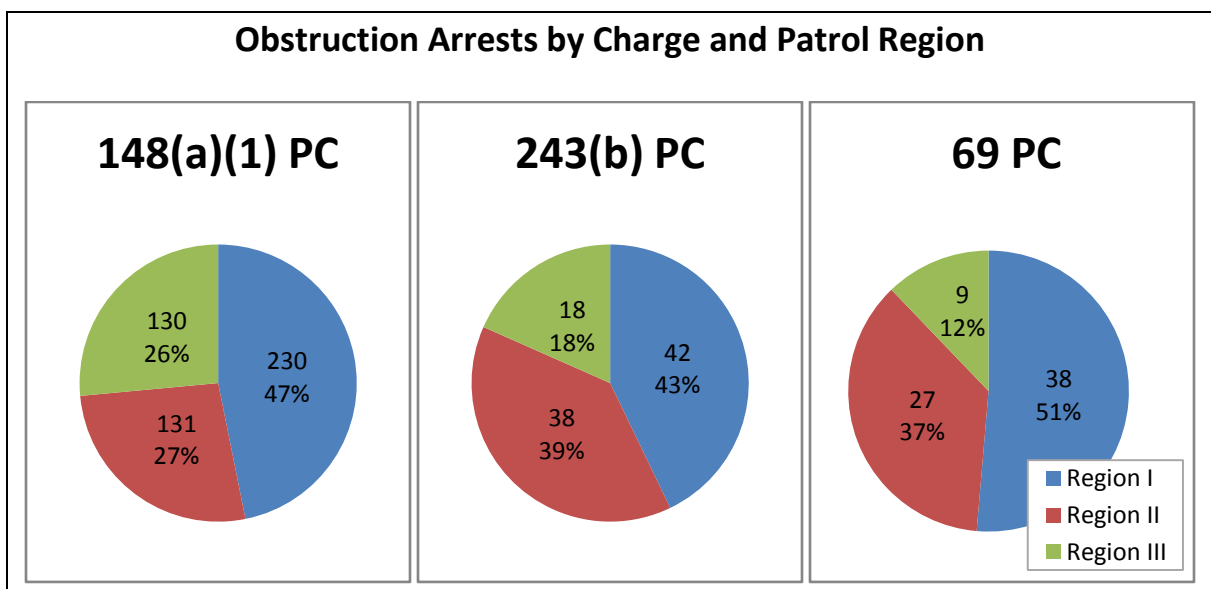


Figure 1.9: Obstruction Arrests by Charge and Patrol Region

We were particularly interested in the high misdemeanor resisting/obstruction—148(a)(1) PC—arrest numbers for Lancaster and Palmdale. While both reported relatively high numbers of the other two charges, these did not vary dramatically from other stations and were, in some cases, higher than other units. For misdemeanor obstruction charges, however, the reported arrests for Lancaster (75) and Palmdale (68) dwarfed that of every other unit, presenting numbers that were more than twice that of the next highest units, Century and Santa Clarita Valley (33 arrests for both).

In an effort to provide some context for these data, we reviewed overall characteristics, as well as crime and arrest statistics among stations. Lancaster and Palmdale are both busy stations with wide-ranging areas, relatively high crime

rates and significant populations. Both stations, along with Santa Clarita, have by far the largest geographical service areas, with the smallest—Lancaster—being more than twice as large as the next-largest station area. Both stations also received very high numbers of calls for service in 2007, ranking second (Lancaster) and third (Palmdale) after Lakewood, the station with the highest number of calls.<sup>53</sup>

In terms of reported crimes, we found that the station with the highest number of reported Part I crimes was Lakewood (9,455), followed by Century (7,340), Lancaster (7,283), Palmdale (6,471), and Santa Clarita Valley (5,843).<sup>54</sup> In the area of Part II crimes, however, the rankings are somewhat different: Lancaster has by far the largest number of reported incidents, with 11,562, followed by Lakewood (8,574), Palmdale (7,801), and Century (7,512).

Where these two stations really stand out, however, is in terms of total arrests, particularly misdemeanor arrests. The following chart shows a breakdown of arrests made in 2007 by each station in terms of level. Lancaster, with 14,759, has by far the highest number of arrests, followed by Palmdale, with 11,540 arrests. Interestingly, however, these high numbers are primarily driven by misdemeanor arrests. In fact, the two stations both report felony arrest numbers that are similar to, and in two cases, lower than, other busy stations. Lancaster in particular shows a very high misdemeanor arrest rate; at 10,308 such arrests, nearly three times the number of Century, the station with the highest number of felony arrests.

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<sup>53</sup> LASD Crime and Arrest Statistics Summary, 2007

<sup>54</sup> We use real numbers of reported incidents, rather than crime rates, in order to put them into context of real numbers of obstruction arrests.

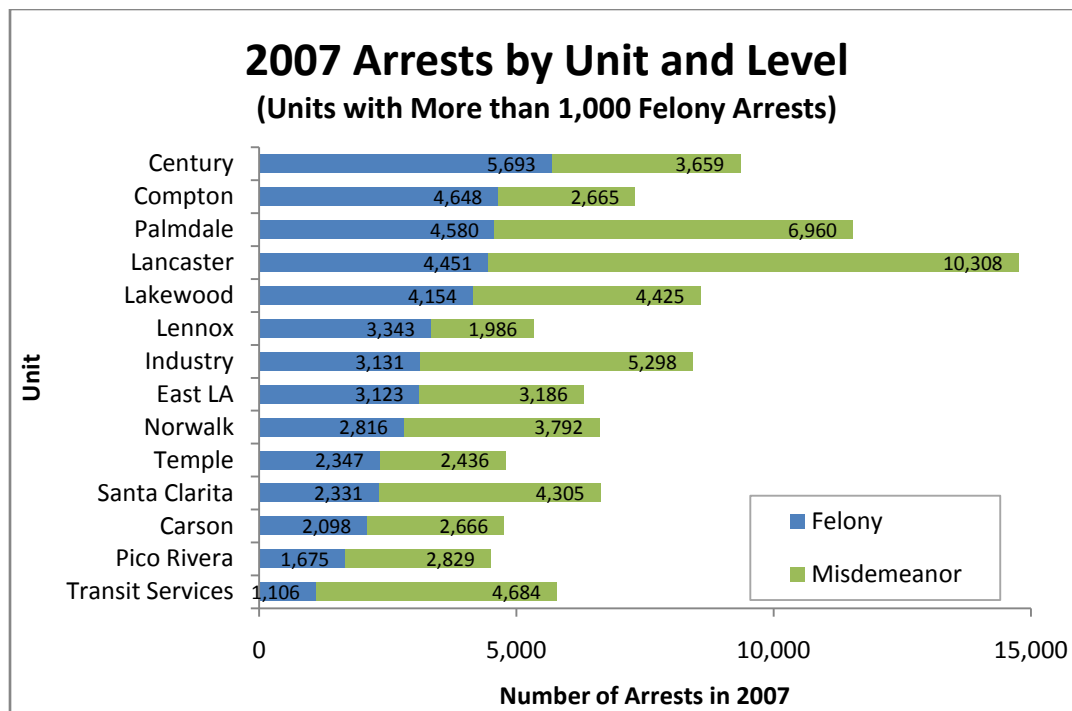


Figure 1.10: 2007 Arrests by Unit and Level

Even taking these high arrest numbers into account, however, the numbers of obstruction arrests still fall into the upper range of rates, although they are superseded by units such as Carson, Lennox, TSB, and — for Lancaster — Santa Clarita Valley. For misdemeanor obstruction arrests, however, which are arguably of the greatest concern in terms of “contempt of cop,” only Carson has a higher ratio. Nonetheless, the total number of misdemeanor obstruction arrests at Carson, at 29, is significantly lower than that at Lancaster and Palmdale, with 75 and 68 misdemeanor arrests, respectively.

The following charts display the number of total and misdemeanor obstruction arrests per 1,000 arrests for each of the stations with more than 1,000 arrests.

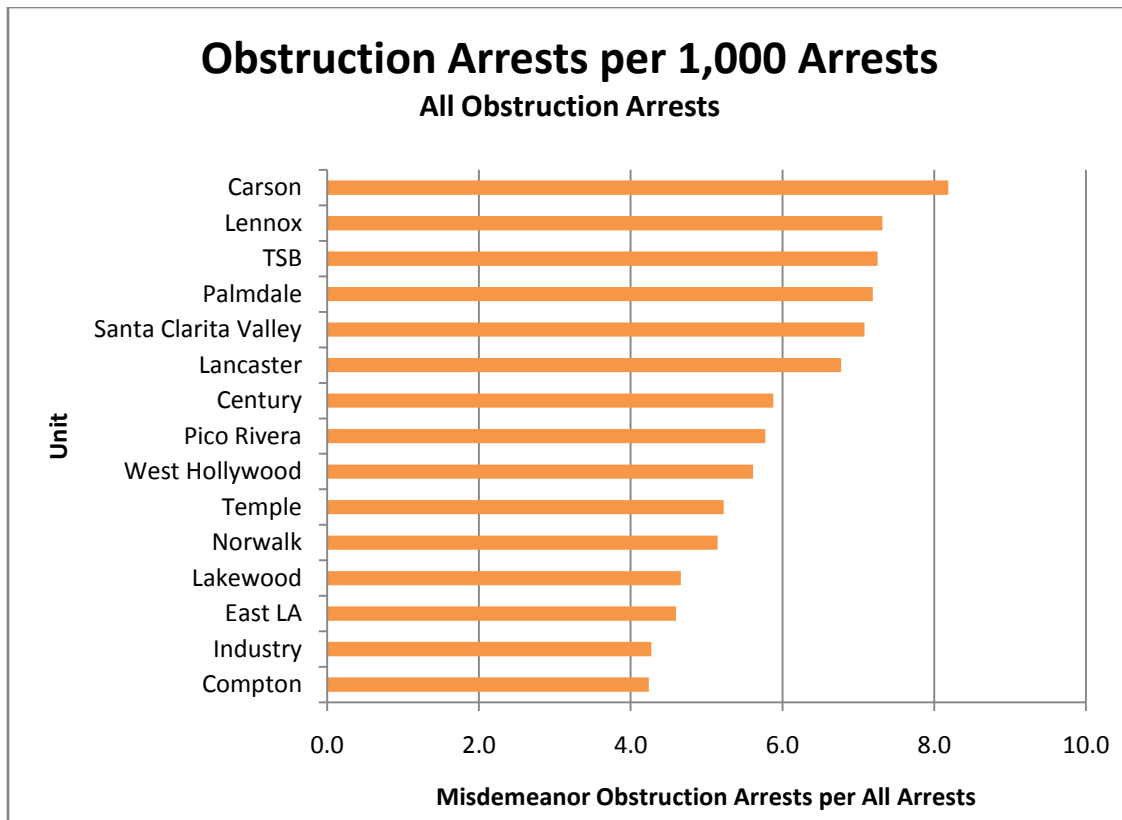


Figure 1.11: Obstruction Arrests per 1,000 Arrests

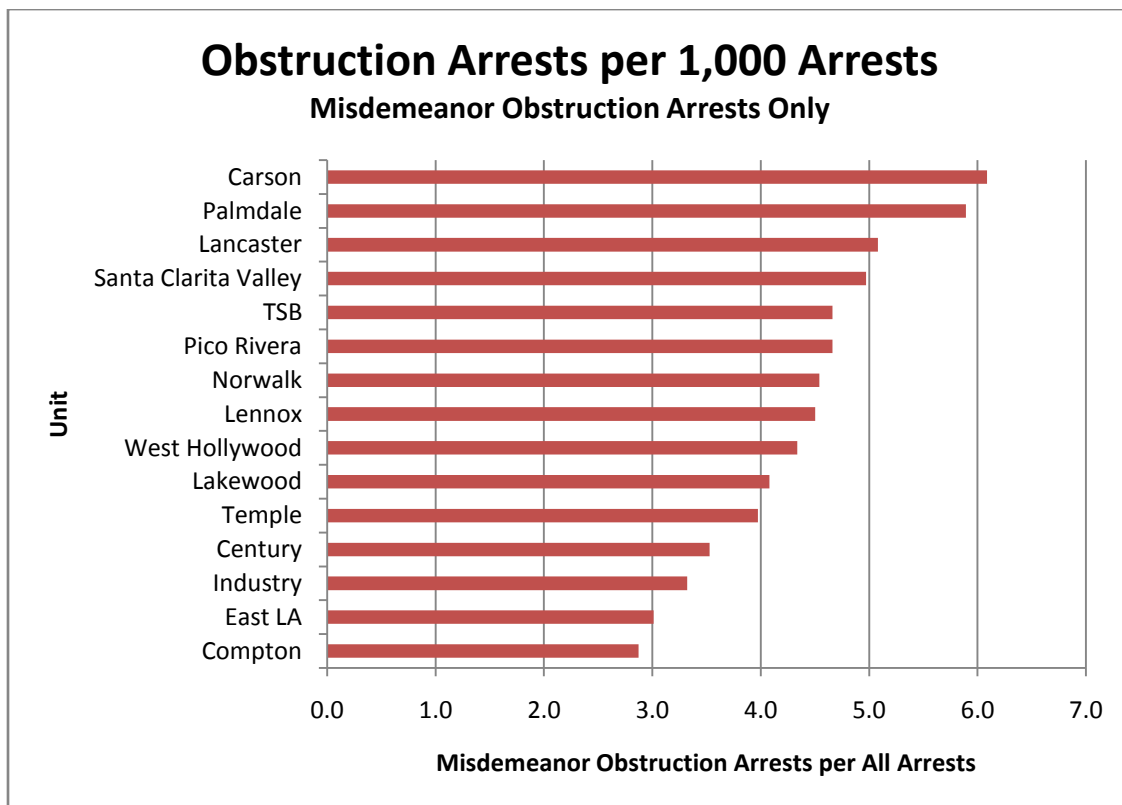


Figure 1.12: Misdemeanor Obstruction Arrests per 1,000 Arrests

We cannot easily account for these atypical trends—in terms of both misdemeanor arrests in general and misdemeanor obstruction arrests in particular—in Lancaster and Palmdale. They may be the result of unique behavioral or criminal dynamics in those areas, or the result of proactive or even overzealous policing of less-serious crimes. **We recommend that supervisors carefully scrutinize these arrests to ensure that they are not being misused, particularly given the relatively high proportion of African-American arrestees, as discussed below.**

a. *Race by Station*

As can be expected, due to difference in demographics across the region, racial proportions varied quite widely among stations. The following chart shows the number of obstruction arrests for each station or unit by race. Because percentages can be misleading when calculated for small numbers, we included only those units with 20 or more obstruction arrests.

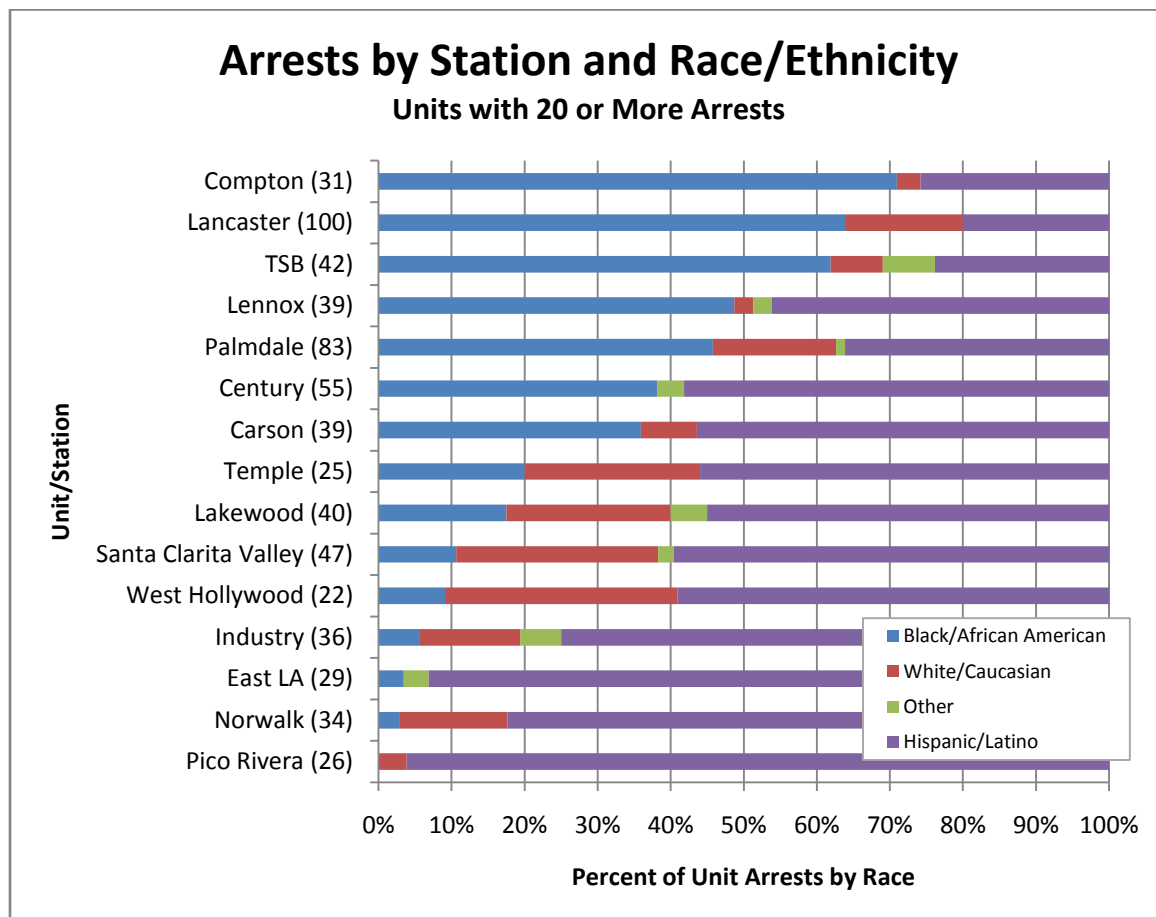


Figure 1.13: Arrests by Station and Race/Ethnicity

In looking at the stations, we found that the proportion of arrests involving white suspects was small at every station, ranging between 0 and 32 percent—about one-third—of all arrests. Only four stations—West Hollywood (32 percent), Santa Clarita Valley (28 percent), Temple (25 percent) and Lakewood (23 percent)—reported a proportion of whites greater than 20 percent. In contrast, the proportions of suspects who were African-American and Latino varied drastically, with African-American arrests ranging from 0 to 71 percent of station arrests, and Latino arrests ranging from 20 to 93 percent of station arrests. In general, these variations are consistent with overall differences in race by area, although African-Americans tended to be overrepresented even by these standards. As we noted above, however, this dynamic is a characteristic of the criminal justice system overall and is not easily explained here.

Nonetheless, there were some stations where African-Americans appear to be overrepresented even beyond these parameters. In particular, Lancaster and Palmdale show very high proportions of African-American suspects: 64 percent, and 46 percent, respectively. While there were other large units that also reported high proportions of African-American suspects, such as Compton (71 percent), Transit Services (62 percent), those jurisdictions tend to have much larger percentages of African-Americans living and working (or traveling) in those areas than do Lancaster or Palmdale. Some stations with proportions of African-American suspects smaller than those stations—namely, Century (38 percent) and Carson (36 percent), both have larger proportions of African-Americans in their jurisdiction.

The chart below compares the proportion of African-Americans found in each area population with that of each station's arrests.<sup>55</sup>

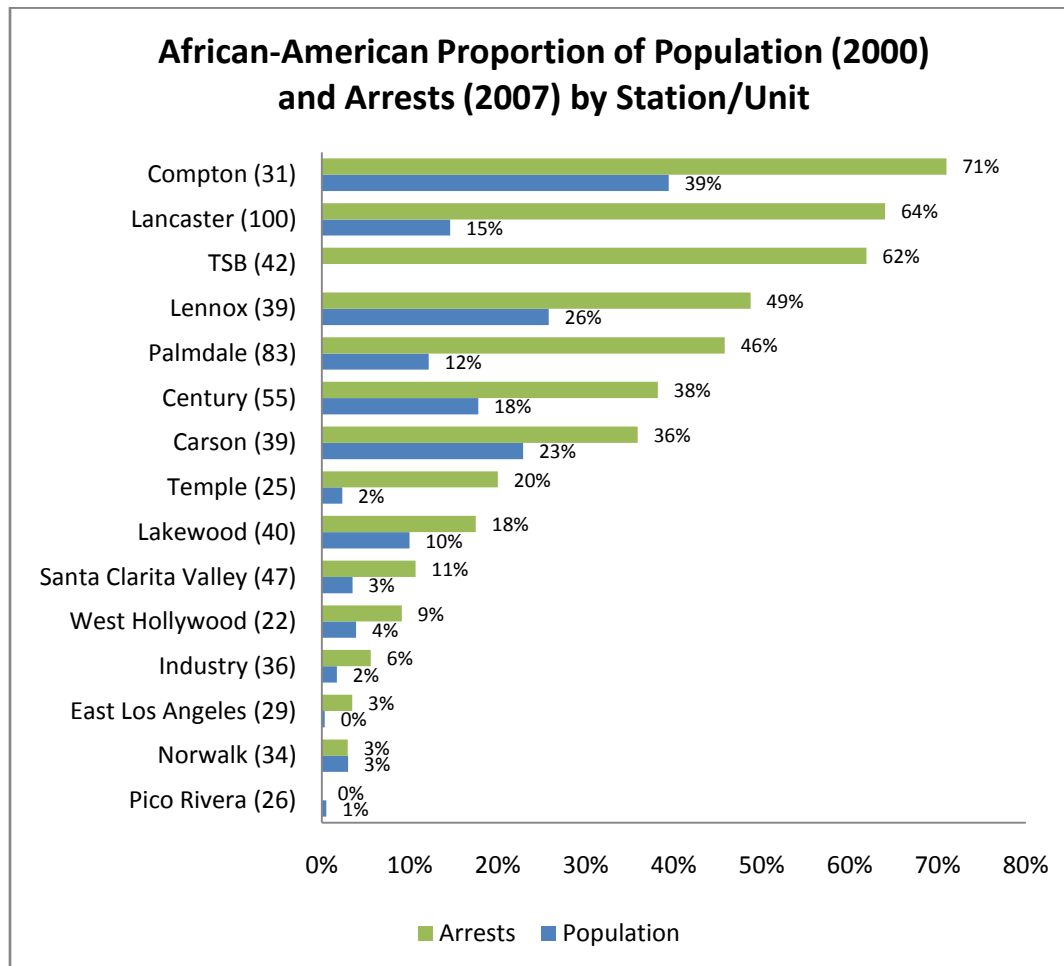


Figure 1.14: African-American Proportion of Population (2000) and Arrests (2007) by Station Unit

<sup>55</sup> Obtaining exact, up-to-date statistics on these areas is difficult for these jurisdictions, which are made up of a combination of cities and unincorporated areas, some with overlapping zip codes or census tracts. The data found in the charts are based on information provided to us by the LASD and are drawn from the 2000 Census. We acknowledge, of course, that demographics are changing, sometimes rapidly, in the areas under discussion. In an effort to see the effect of these changes, the table below combines the most up-to-date population Census estimate for each city and Census Designated Place in for selected stations. (Larger places have more recent and exact estimates than smaller ones, most of whom do not have demographic data past the 2000 Census.) These numbers include a large proportion of the overall population, but are not complete. As such, these numbers, as well as those displayed in the chart, should be treated as general estimates rather than exact percentages.

Station	Hisp/Latino	White	AA/Black	Asian	Other
Compton	63%	1%	34%	0%	2%
Century	69%	2%	27%	0%	2%
Carson	32%	14%	25%	24%	6%
Lancaster	38%	37%	17%	4%	4%
Palmdale	52%	26%	14%	4%	4%

We also compared the proportion of Latinos found in each station’s area with that of its obstruction arrests. While Latinos were not systematically overrepresented in the same way as African-Americans, we did find two stations—West Hollywood and Santa Clarita—where there was a notable difference between these numbers.<sup>56</sup>

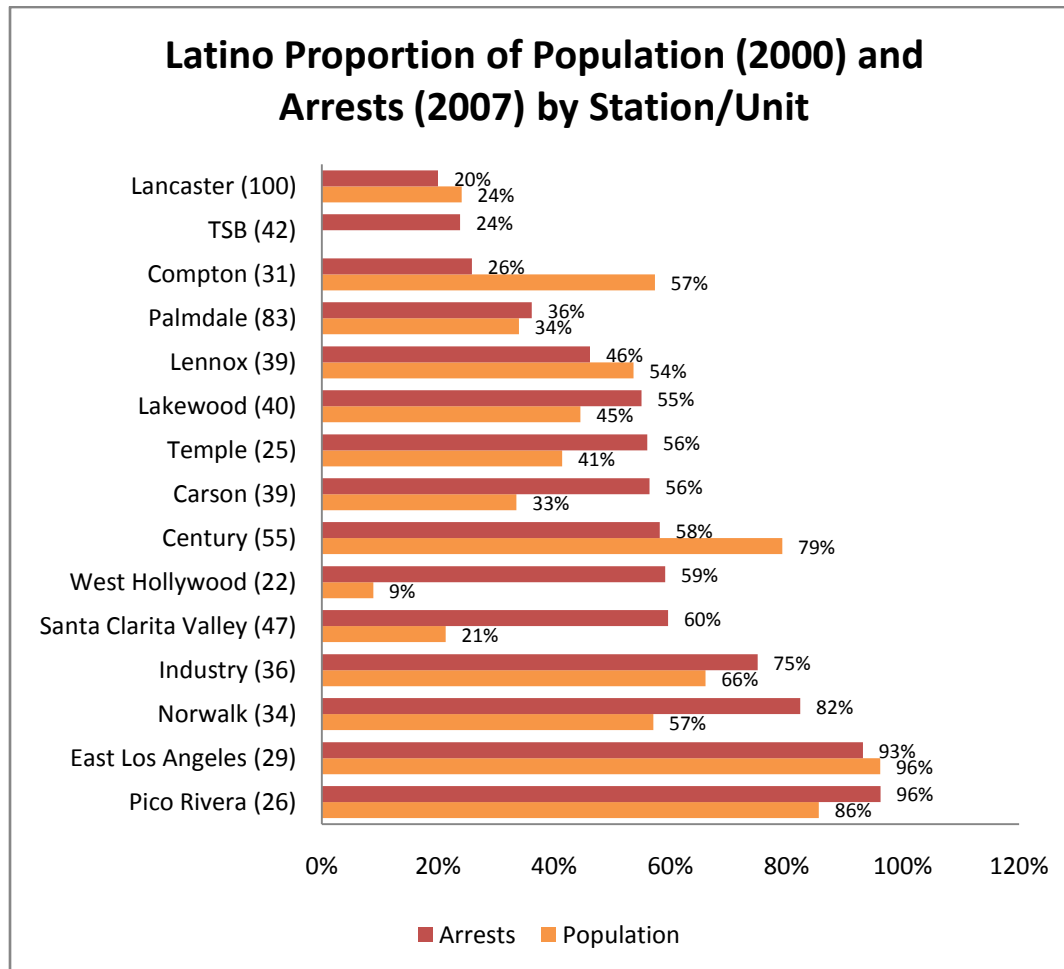


Figure 1.15: Latino Proportion of Population (2000) and Arrests (2007) by Station/Unit

Both stations have somewhat unique characteristics—West Hollywood encompasses both the Sunset Strip and Universal City, while Santa Clarita includes the Magic Mountain amusement park—that mean that the resident population may not reflect the daily makeup of the area. Nonetheless, the

<sup>56</sup> While a few other stations, such as Century and Compton Stations, also show sizeable—though smaller—differences, we did not emphasize these due to the fact that both stations are in areas with well-documented, fast-growing Latino populations.



Department should be vigilant in tracking these numbers to ensure that they are not the result of bias.

Because there are a host of factors that affect racial proportions, not the least of which are area dynamics and sample size, we are reluctant to make any interpretation of these data. We note nonetheless that there are particular stations that use obstruction charges significantly more often than others and that some stations show disproportionately high numbers of African-American or Latino arrests.<sup>57</sup> The unique nature of obstruction charges—which, in many cases, arise out of an incident where the suspect is accused only of failing to follow directions or being otherwise uncooperative—means that such anomalies merit further review.

### **III. Court Dispositions**

Because the LASD does not track comprehensive court disposition data on their arrests, we requested and received that information from the Los Angeles Superior Court's Information Services and Technology Bureau. We are extremely thankful to Frederick Klunder, Glenn Pauley, and their staff for their help and cooperation in this project.

As noted earlier, while the LASD's AJIS database tracks some court information, the data are incomplete for those arrestees whose cases did not reach final disposition before they were released from initial custody. In the great majority of resisting arrest cases, for example, the arrestee was provided with—and signed—a written Notice to Appear in court, then released. This process is often referred to as "citing out," and following release, any follow-up charge or disposition information will not appear in the AJIS record. Thus, while our AJIS query did have court information, such as case number or sentencing information, for some cases, that information was not complete.

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<sup>57</sup> We focus here primarily on stations with a large number of arrests. Proportions may be unfairly skewed by small totals and are less likely to be meaningful.

## **A. Data Matching**

The Court's database, known as the Trial Court Information System (TCIS), does not, on a consistent basis, track booking numbers stemming from the original arrest. As such, a preliminary search of booking numbers did not bring up disposition information for every case. To work around this issue, we ultimately used name and birth date, constrained by a designated time period and LASD filing codes, as our ultimate search parameters. TCIS contains only adult dispositions, and does not reflect cases where no charges were filed with the court. As a result, the final dataset received from the TCIS should not be considered a one-to-one match with the arrest data gleaned from AJIS.

We received from the Court charge information for 796 cases, reflecting 1308 total charges for 423 individuals. Because some individuals had more than one case filing, and because some filings stemmed from a different arrest, we matched each case against our arrest data by name and violation date. We also matched 23 cases where the violation date differed from the arrest date by one or two days, but the charges appeared similar, and 12 cases where the date difference was more than a few days but the charges otherwise appeared the same. For 78 cases, no matching arrest was found, and in 16 cases, the person had been removed from the final arrest dataset.

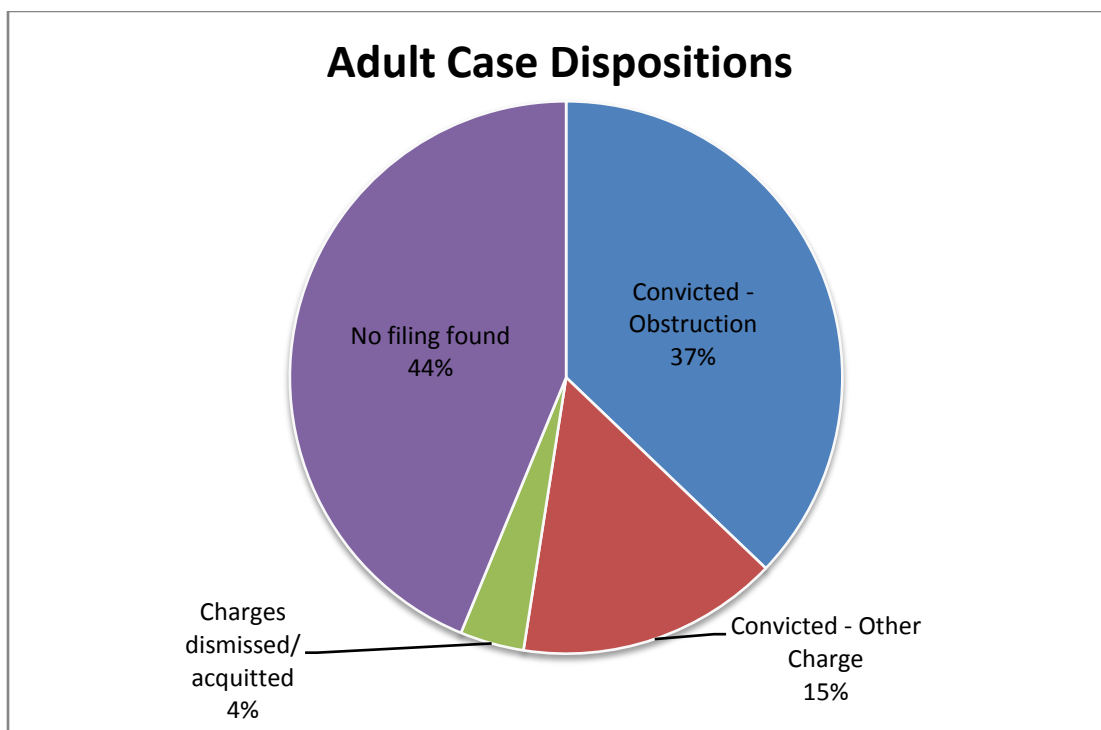
The final merge turned up final court dispositions (not counting records for two defendants that did not include a final disposition) for 333 of the 590 adult arrests, or 56 percent. There were no matching LASD filings found for the remaining 257 arrestees. Unfortunately, we do not have complete information about what ultimately happened to most of those cases due to incomplete database information, but we do know that no obstruction charges were filed on behalf of the LASD for these arrestees.<sup>58</sup> (There may also be a few arrestees for whom the name is different or was misspelled, and therefore were missed during the match, although this likely affects a few defendants at most.)

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<sup>58</sup> A review of AJIS and LARCIS (Los Angeles Regional Crime Information System) data received from the LASD turned up disposition information for a small proportion of these cases. According to those records, we know that 13 arrestees were turned over to other agencies or had their charges dropped due to more serious cases, and 52 cases were rejected by the LASD or prosecutor due to insufficient evidence.

## B. Results

Overall, the court data show that 52 percent of adult arrestees in the sample were convicted of at least one charge related to their arrest—37 percent of at least one obstruction charge and 15 percent of another charge, including disturbing the peace, as shown in the following chart. Four percent showed charges filed but dismissed. As discussed above, 44 percent show no related charges filed, whether due to rejection by the prosecutor or other reason. The proportion of suspects ultimately convicted is the same as in Seattle, although it appears that a larger proportion of Seattle cases—about 14 percent—were filed and dismissed.



It is troubling that 48 percent of all adults arrested by the LASD on obstruction charges appear never to have been prosecuted, or had their charges dismissed or dropped. While there are many reasons why charges might be dropped by the Department or the District Attorney, the Department must be vigilant for cases where the case was found to have no merit or to lack evidence. Again, obstruction arrests are unique because, in most cases, the only victim is a deputy. **We recommend that Department managers review, on a regular basis, a sample of cases that were rejected for filing either by the Watch Commander or by the D.A. to see whether there is evidence of contempt-of-cop arrests, cover charges,**

poor tactics, or other issues. The creation of a tracking system for discretionary arrests should have within it a mechanism for tracking the ultimate result of each arrest.

In the following sections, we discuss our findings in greater detail.

#### 1. Type of Conviction

The chart below shows the breakdown of cases filed by type of conviction. Where there was more than one conviction, cases are categorized by the highest-level obstruction charge. (For example, a case where the suspect was convicted of both resisting arrest and battery on a peace officer is categorized as a conviction for battery on a peace officer. A case where the defendant was convicted of both drug possession and resisting arrest is categorized as a resisting-arrest conviction.)

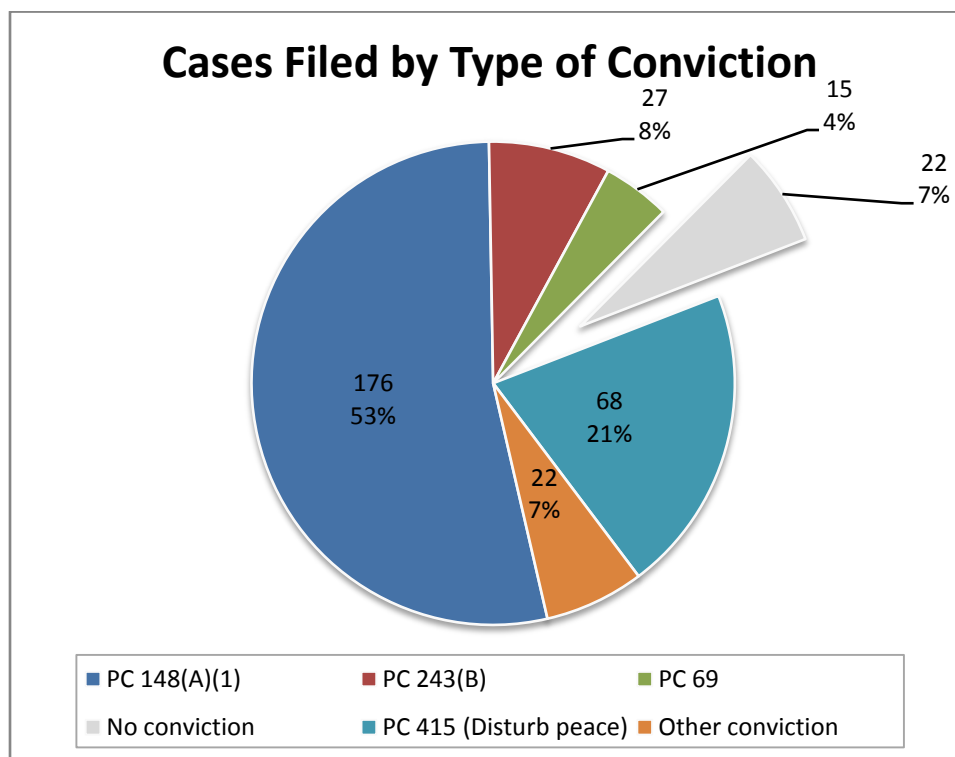


Figure 1.16: Cases Files by Type of Conviction

A very small percentage of filed cases, just seven percent, resulted in a dismissal or acquittal of all charges, likely because many cases with insufficient evidence were never brought to court. The largest proportion—over 50 percent---of defendants were convicted of the lowest level of obstruction, resisting arrest, and the next

largest proportion of defendants were convicted of disturbing the peace. A review of the data shows that in most of these cases, obstruction charges were reduced to disturbing the peace. We know anecdotally from some use-of-force reports that at least some of these defendants pleaded guilty to the lesser charge as part of a plea deal.<sup>59</sup>

The next chart shows the adult conviction result by the type of original primary arrest charge. For the purposes of this analysis, we excluded cases where the court disposition was missing or where we know that the suspect was transferred to another agency or the case was superseded by a more serious one.

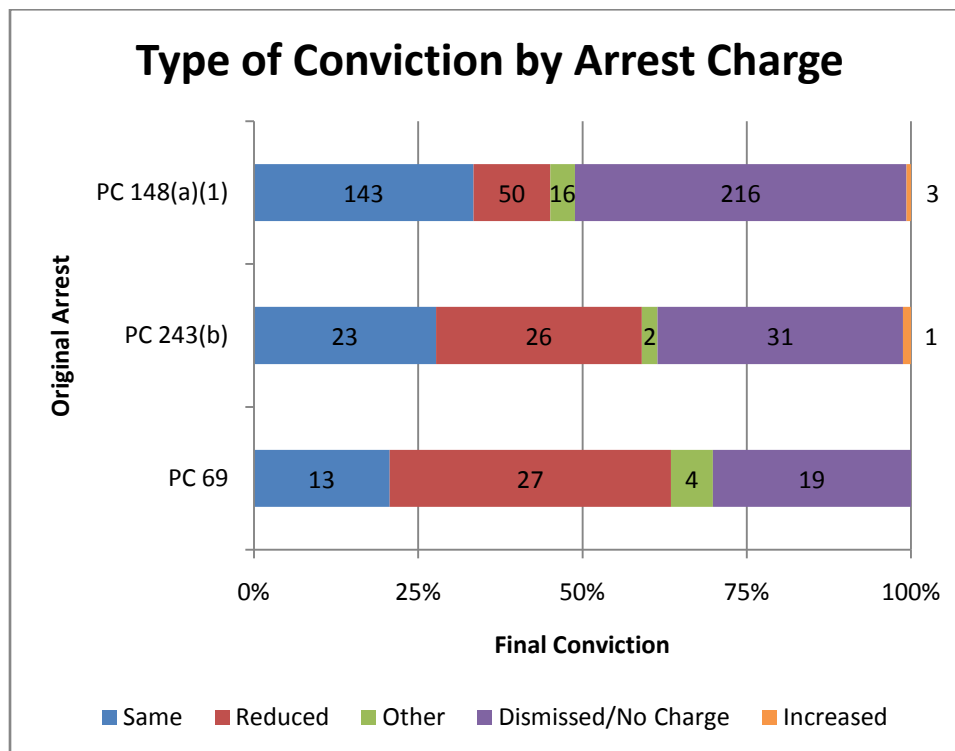


Figure 1.17: Type of Conviction by Arrest Charge

Overall, we found the following:

- The highest conviction rates—70 percent in total—are for those suspects originally arrested on a felony obstruction charge, but only 21 percent of that

<sup>59</sup> Most use-of-force reports do not include final case disposition. A few, however, mostly from Lakewood station, included this information.

group were convicted of the original charge. About 43 percent were convicted of a reduced obstruction or disturbing the peace charge.<sup>60</sup>

- Battery on a peace officer has a conviction rate of nearly two-thirds (63 percent), with 29 percent of suspects convicted of the same or greater charge.
- Resisting arrest/obstruction, with the largest total number of arrests, has the lowest conviction rate at about one-half. It has, however, the highest conviction rate for the original obstruction charge—about one-third of those arrested on a resisting arrest charge were convicted of that same charge.

## 2. Gender

Women in the obstruction sample had a higher overall conviction rate—57 percent—than men, only 53 percent of whom were convicted. A smaller proportion of each group was convicted of an obstruction offense, about 40 percent of women and 37 percent of men. The chart below shows the breakdown of convictions for each gender. Female arrestees were slightly more likely to be convicted of a misdemeanor obstruction or disturbing the peace charge than were men, and were more likely to have all charges dismissed. Men, who made up a much larger group overall—more than three times the size, were slightly more likely to be convicted of felony obstruction or to have no charges filed. None of these differences were statistically significant.

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<sup>60</sup> Because disturbing the peace, including fighting, was such a common final guilty disposition, we include it as part of the reduced charge category. All other non-obstruction charges are included in the “other” conviction category. As before, some of the obstruction convictions also include convictions for lesser or “other” charges.

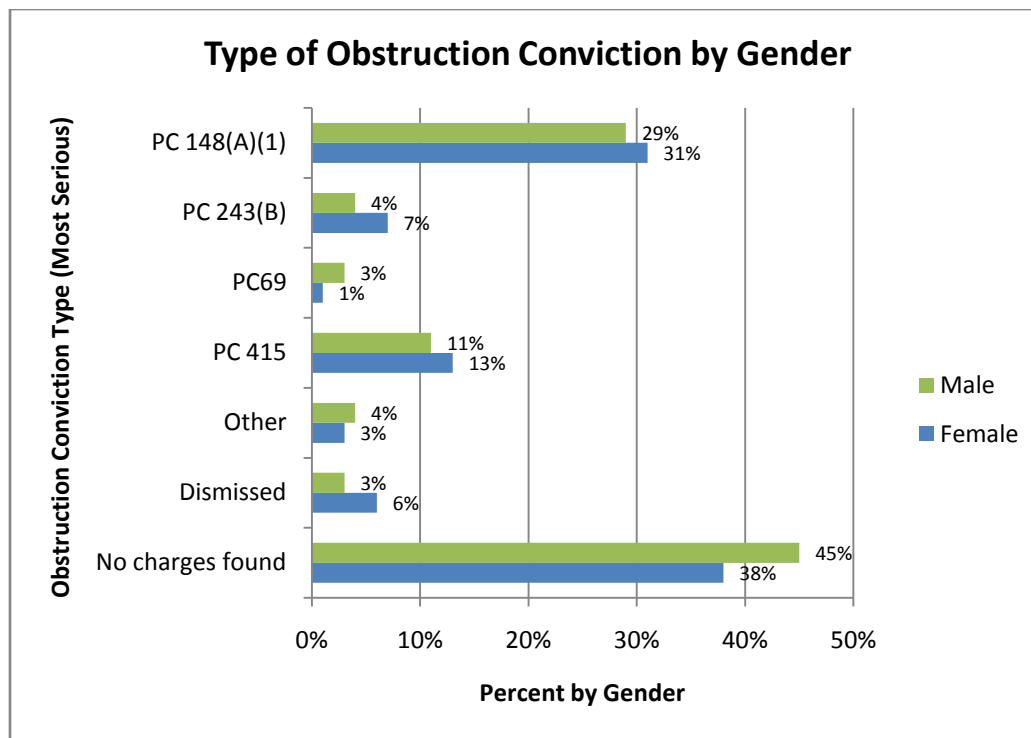


Figure 1.18: Type of Obstruction Conviction by Gender

We also looked at the difference between original arrest charge (again, using the most serious obstruction charge) and the most serious obstruction conviction charges. In general female arrestees were more likely to be convicted of the same charge as their arrest charge, with 37 percent, than were men, 30 percent of whom were convicted of the same charge. There were no meaningful differences between the genders in terms of percent that had their charges reduced or increased. As before, because the male sample is much larger than the female sample, these differences are not statistically significant.

### 3. Race/Ethnicity

With a 58 percent conviction rate, African-Americans arrested on obstruction charges were more likely to be convicted of at least one charge than were both Latinos (52 percent) and whites (46 percent). (Two-thirds of arrestees of an “other” race were also convicted, but because the group is very small—just 15 suspects—it is difficult to make comparisons.) As above, smaller proportions of all three groups were convicted of an obstruction charge, with 41 percent, 38 percent, and 32 percent. Thus, while the gaps closed somewhat, particularly between African-Americans and Latinos, African-Americans were still quite a bit more likely to be

convicted of an obstruction charge than were whites, even given their already disproportionate percentage of the obstruction-arrest population.

The breakdown of actual convictions by race is below. It shows that similarly small proportions of all racial groups were ultimately convicted of felony obstruction, and that whites were actually more likely than Latinos to be convicted of a battery or disturbing the peace arrest. The largest gap in convictions, however, came between whites and the other two groups in terms of convictions of resisting arrest, as whites were quite a bit less likely than the other groups to be convicted of that charge. As noted above, they were more likely not to be convicted—whether by having no charges filed or by having their charges dismissed—than blacks or Latinos. These differences were not statistically significant, however.

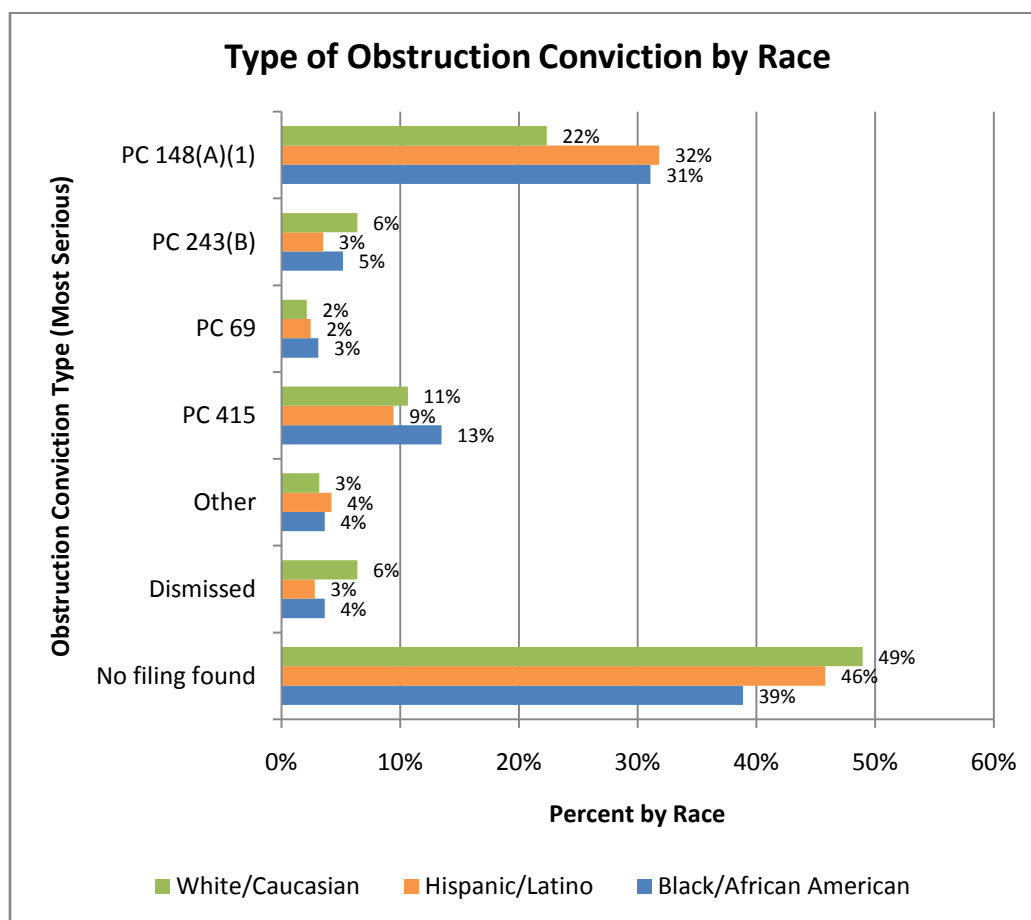


Figure 1.19: Type of Obstruction Conviction by Race



In comparing the original arrest charges with the final convictions, we found that while African-Americans were about as likely as Latinos to be convicted of the original charge (about one-third percent for both), the first group was more likely to be convicted of reduced charges than were Latinos, who had the same reduced-charge-conviction rate as whites. (Instead, both groups were more likely to be convicted of no charge than African-Americans.)

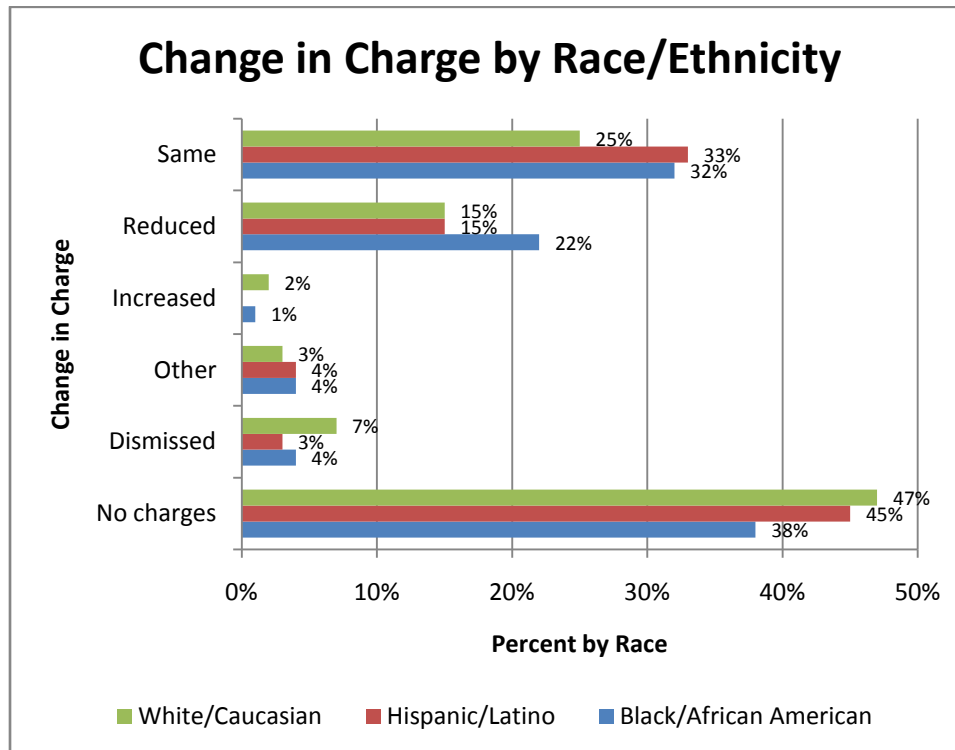


Figure 1.20: Change in Charge by Race/Ethnicity

#### 4. Arresting Unit/Station

Conviction rates at most units varied widely; for the 15 units with 20 adult arrests or more, the percent of obstruction arrestees convicted of at least one crime ranged from 33 percent (Carson) to 83 percent (Pico Rivera). The units were split evenly above and below 50 percent, with seven units falling on either side of the halfway mark. The majority of units—11 of the 15—reported conviction rates between 40 and 60 percent, with the three of the remaining stations falling below that range. The chart below shows conviction rates by station and type.

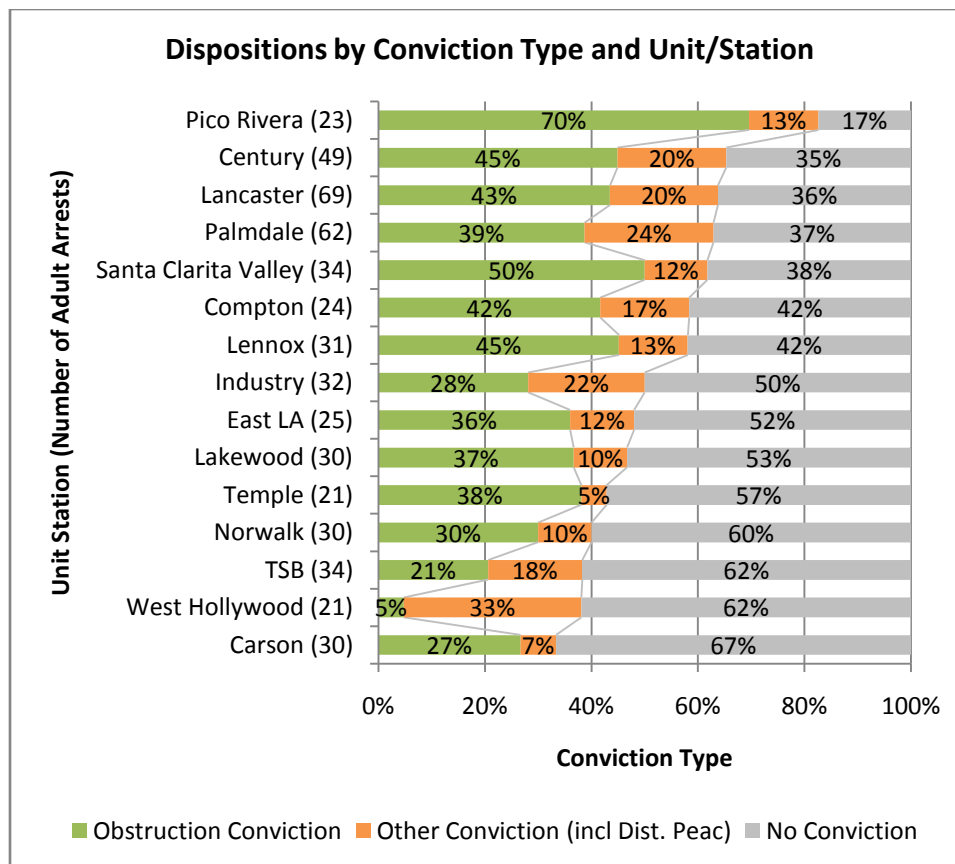


Figure 1.21: Dispositions by Conviction Type and Unit/Station

The rate at which obstruction arrestees were arrested on at least one obstruction charge—the obstruction-conviction rate— also varied widely, although not necessarily along the same lines as all convictions.

- Half of the stations fall below and above the mean of 38 percent, respectively, with Pico Rivera (70 percent) and West Hollywood (5 percent) reporting levels quite far from the average. To some degree, this variance may be explained by the fact that both Pico Rivera and West Hollywood report numbers of adult arrests near the lower limit of 20, meaning that fewer dispositions can more easily sway the resulting percentages.
- West Hollywood, in particular, shows an extremely low obstruction-conviction rate. This may be due to the fact that the station’s jurisdiction includes popular entertainment spots such as the Sunset Strip, Santa Monica Boulevard, and Universal City. A review of the unit’s cases involving force revealed that a large number of arrests involved public disturbances at bars or Universal City,

where deputies encountered resistance while trying to remove the suspect from private property. As such, many of these cases may have resulted in a disturbing the peace conviction. In fact, we found that five of the 17 misdemeanor obstruction arrests were reduced to disturbing the peace, and another two resulted in other non-obstruction convictions; another eight were dismissed entirely.

- Transit Services Bureau, which patrols public transit facilities, may have similar dynamics that explain the relatively low proportion, 21 percent, of cases resulting in an obstruction conviction; in some of the cases we reviewed, the resisting arrest charge seemed to be used as a way to remove a person from the platform or vehicle. Nonetheless, these low conviction rates may indicate that other tactics or charges may be more appropriate. It is not entirely clear why Pico Rivera, on the other hand, would have such a high conviction rate.

The only differences in conviction rate that were statistically significant were those at the extremes: the difference in conviction rate between Pico Rivera and Carson for all convictions and the differences between Pico Rivera and both Transit Services and West Hollywood for obstruction convictions.<sup>61</sup>

## 5. Unit and race

We compared conviction rates at each station among races to see whether there were any dramatic differences across groups. At most stations, it was difficult to discern meaningful differences due either to the predominance of one group, thus making proportional comparisons problematic, or small differences in rates. (For example, although both Lancaster and Palmdale have large groups of each race/ethnicity, the conviction rates among the groups did not vary significantly — all were relatively high. All groups had general conviction rates above 50 percent.) Carson and Santa Clarita Valley, however, showed comparatively low conviction rates for Latino arrestees:

- About 64 percent of the 11 black arrestees at Carson station were convicted of at least one charge, compared to just 13 percent of the 16 Latino arrestees. Fifty-

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<sup>61</sup> Using a Bonferroni Post-Hoc test. A Scheffe test showed no significant differences.

five percent of the African-Americans were convicted of an obstruction charge compared to only six percent of the Latinos, one of the lowest conviction rates of any sizeable group.<sup>62</sup> These differences were statistically significant.

- 80 percent of the 10 white arrestees at Santa Clarita were convicted of at least one charge, compared to just 47 percent of the Latino arrestees.<sup>63</sup> The same 80 percent of white arrestees were convicted of an obstruction charge, compared to 37 percent of Latinos.

As mentioned above, Carson reported relatively few obstruction force incidents in 2007, meaning we have very little information about the types of obstruction arrests being made by that unit. We cannot, therefore, interpret why there are such significant differences. For both stations, however, it appears that Latinos are arrested at higher rates, they are convicted at much lower rates.

*a. Units and Original Charge*

The charts on the following pages show final convictions by station and the difference between the original arrest charge and final conviction charge. Interestingly, convictions for both battery and felony obstruction were quite rare, not exceeding more than four at any one station, while disturbing the peace makes up a more sizeable proportion of convictions at nearly every station. With the exception of Pico Rivera, no more than 40 percent of arrestees at any particular station were convicted of their original primary obstruction charge, although sizeable proportions were convicted of a different charge, showing that there was evidence of criminal behavior in a majority of cases at most stations.

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<sup>62</sup> Several stations showed rates of zero-percent obstruction-conviction rates for whites, but these groups were too small, less than seven arrestees, to make strong comparisons.

<sup>63</sup> Significant at the  $p=.1$  level.

## Obstruction Convictions by Unit/Station

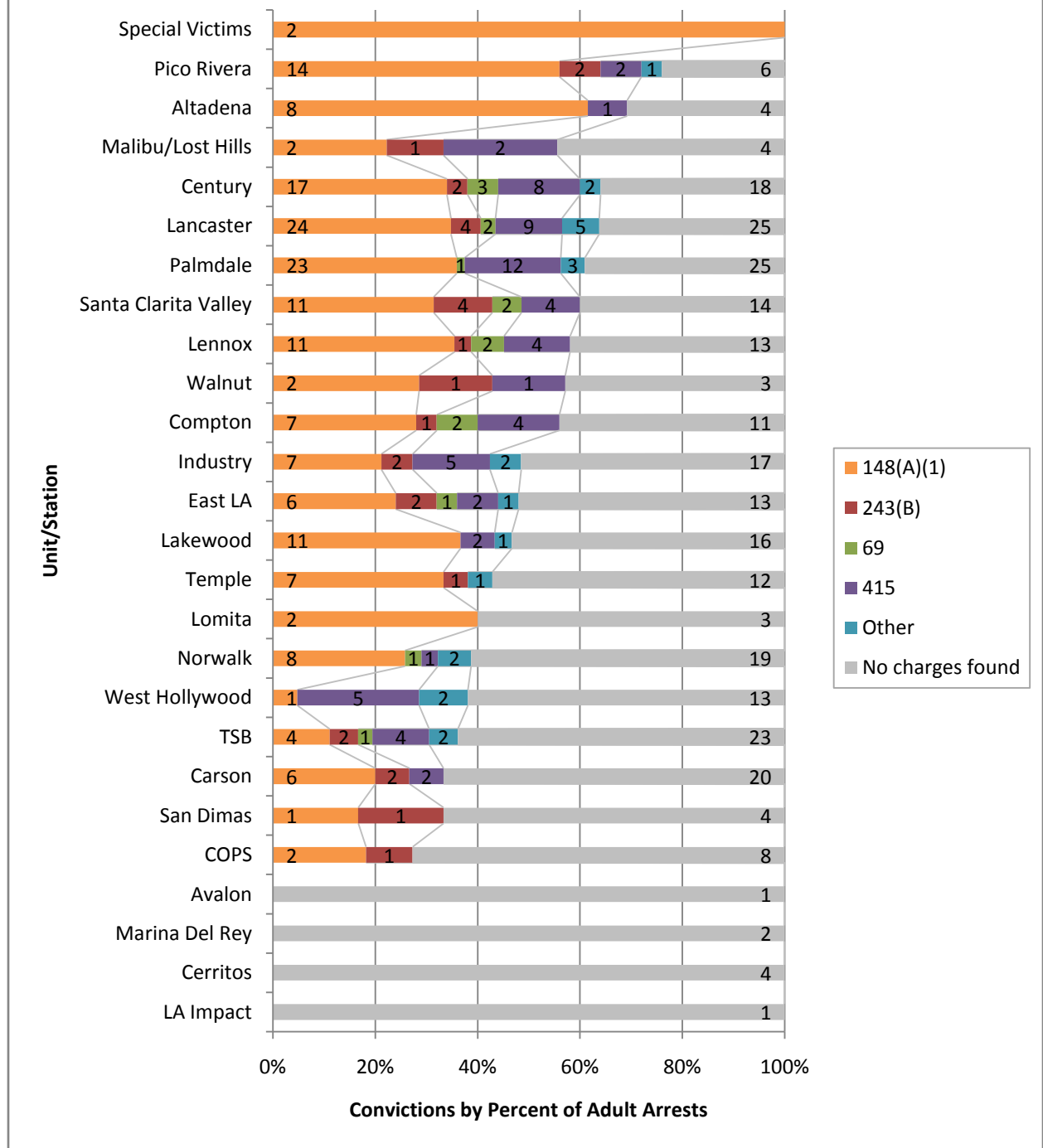


Figure 1.22: Obstruction Convictions by Unit/Station

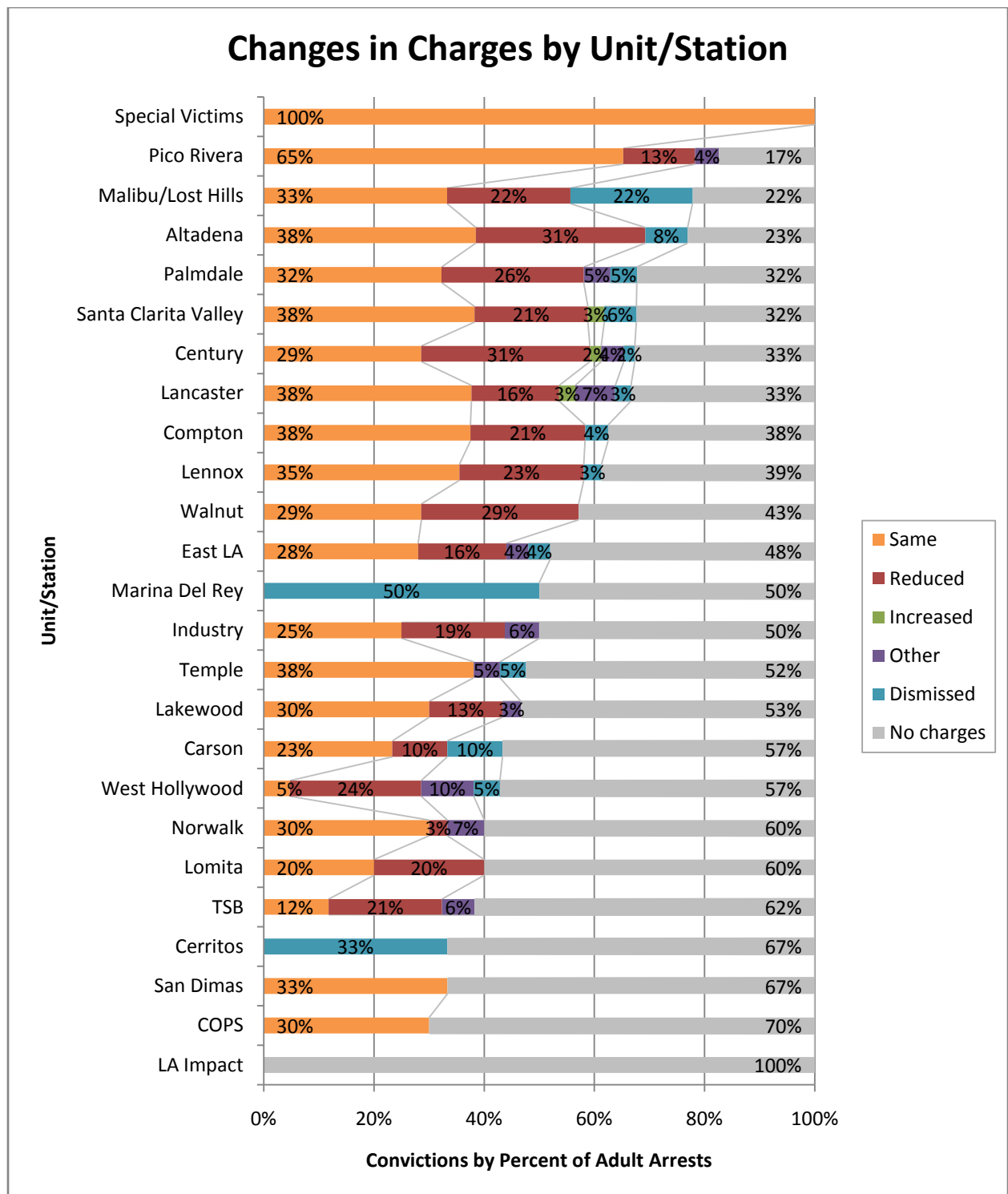


Figure 1.23: Changes in Charges by Unit/Station

## **Conclusion**

We do not know what proportion of those lesser charges are the result of a plea deal; at least some of the “reduced” and “other” cases are likely the result of the arrestee pleading guilty to a lesser charge. Nonetheless, the end result is that, at many stations, only around one-third (or a bit more) of cases resulted in a conviction on the original obstruction arrest charge. Because the case hinges not on evidence primarily gathered from a third party but from the officers involved, it would be useful for supervisors at stations to follow up to find out whether there are particular dynamics that result in a reduction or dropping of charges, such as the charges being inappropriate, unsupported by evidence, or the subject to other considerations. In doing so, special attention should be paid to those cases involving significant uses of force, particularly where there is no finding that the subject was assaultive or committed battery.

In the following chapter, we discuss the use of force during obstruction arrests and the circumstances surrounding these arrests.

## **2. Use of Force in Obstruction Arrests**

### **Introduction**

The second component of our obstruction study of a look at the extent to which force was used during obstruction-related arrests by the Department in 2007, using the booking numbers contained in the Department's force records. We also gathered and compiled data on the type of force used, injuries sustained, and basic data on the circumstances of the police contact, arrest, and use of force. For a smaller sample of the incidents, we also examined the related Force Review Package.

According to our query of obstruction booking numbers, LASD officers reported force for approximately one-third of all obstruction arrests.<sup>64</sup> For arrestees charged with obstruction involving the use of force—misdemeanor battery or felony obstruction—the proportion was around one-half, while it was about one-fourth for misdemeanor resisting/obstruction arrests. African-Americans and Latinos were more likely to have force used against them during an obstruction arrest than whites, and men were more likely to have so than women. In terms of age, there was very little difference among the groups.

Slightly more than half of all force-related obstruction incidents arose out of a call or request for service rather than an observation by officers. The most common types of force incidents culminating in an obstruction arrest were traffic stops and various types of disturbances, followed by transit stops and observation by deputies of “suspicious” behavior. According to AJIS data, however, the only charge that any of these suspects was charged with was an obstruction charge. In seventeen percent of arrests, the person was not the primary focus of police interest, but was interfering with the arrest or detention of the primary suspect.

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<sup>64</sup> This was based on matching between booking numbers between booking numbers in the arrest and force databases and may be low. We discuss our concerns about data validation later in the chapter.



In terms of suspect behavior that caused the initiation of force, the largest proportion of suspects physically resisted an officer's actions, often a pat-down, followed by noncompliance with directions or an uncooperative attitude. In about five percent of cases, the person actually assaulted or attacked the officer. When looking at the incident as a whole, considering the suspect's highest level of resistance, we found that the largest proportion of suspects had engaged in physical resistance or a more active struggle. Fewer than 40 of the 226 suspects kept their resistance to a minimum of not complying or being uncooperative. More than one-third of suspects were belligerent or argumentative, and about 26 percent were openly contemptuous or verbally abusive toward the officers.

On the whole, the cases in this sample represent incidents where—based on the information available—it appears the citizens became the subject of unwanted police attention and choose not to comply with officers instruction, sometimes by becoming aggressive or even violent. We note also that, while the majority of arrests relate to an incident where the officer is clearly engaged in investigating or otherwise managing a potential crime, a number of them—including some traffic and transit stops as well as “suspicious behavior” encounters—began with the suspect feeling that they have been unfairly singled out and responding with anger and a lack of cooperation. In some of these cases, it appeared that the officer was responding, in large part, to the suspect's disrespectful or contemptuous attitude in addition to other factors. While we would hesitate to judge these cases as pure “contempt of cop” cases, we recommend that officer tactics, approaches, and reasoning, be more comprehensively scrutinized to minimize the potential for avoidable force or the abuse of discretion.

## **I. Background**

The Department's policies require that all reportable force (any use of force greater than an unresisted handcuffing or where there is an injury or complaint of pain) be documented in writing by all involved officers, who provide a full description of the incident, including the suspect's actions and their own actions.<sup>65</sup> Each incident is then reviewed up the chain of command as to whether the force employed by

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<sup>65</sup>LASD Manual at 5-09/430.00 “USE OF FORCE REPORTING AND REVIEW PROCEDURES.”

each officer was reasonable and within policy, and whether their actions during the incident were appropriate and tactically sound.

Uses of force are broadly categorized as “significant” or “less significant,” which determines the level of scrutiny afforded each case. These categories are also used as part of the criteria for candidacy for the Department’s early warning system, known as the Personnel Performance Index. A use of force is significant if it involves an injury or complaint of pain, if there is any “indication or allegation of misconduct” in its application, or if it is considered a greater use of force than a “control hold, come-along, or take down” on the LASD’s Situational Use of Force Options Chart (described below). Less significant uses of force include all reportable force that falls outside of these parameters, including resisted handcuffing, use of OC spray, and a control hold or take-downs.”<sup>66</sup> Certain types of serious uses of force—such as a shooting or an incident which results in severe injury—will result in an administrative review by the Internal Affairs Bureau and an ultimate decision by the Executive Force Review Board, a permanent panel comprising three LASD Commanders. The Board meets on a bi-weekly basis to determine, following consultation with the unit commander, Training Bureau, and Office of Independent Review, whether such uses of force were “in-policy” and the ultimate disposition of any alleged related policy violations, including discipline assigned.<sup>67</sup>

In keeping with the law, the LASD permits officers to use force only to the extent that the amount of used is “objectively reasonable to perform their duties.”<sup>68</sup> Whether the use of force is “objectively reasonable” is determined case-by-case, assessing the seriousness of the crime at hand, the level of threat or resistance presented by the suspect, as well as the necessity for force and what constitutes appropriate force. Force is considered to be unreasonable when it is unnecessary or excessive and will result in discipline and/or prosecution for the involved officers.<sup>69</sup> Determinations of which type of force to use are rendered case-by-case,

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<sup>66</sup> LASD Manual at 5-09/430.00 “USE OF FORCE REPORTING AND REVIEW PROCEDURES.”

<sup>67</sup> See 5-09/434.05 “ACTIVATION OF FORCE/SHOOTING RESPONSE TEAMS” and 5-09/434.15 “EXECUTIVE FORCE REVIEW COMMITTEE”

<sup>68</sup> LASD Manual at 3-01/025.00 “USE OF FORCE.” Force is defined as “any physical effort used to control or restrain another, or to overcome the resistance of another.”

<sup>69</sup> LASD Manual at 3-01/025.10 “UNREASONABLE FORCE.”

under the discretion of the responding deputy, who must continually assess what type of force to use as the situation either escalates or is brought under control.<sup>70</sup> Assessment of the suspect's level of resistance, as described below, provides the primary guideline for the level of force that might be used.

- *Level I: "Cooperative."* A suspect who appears to be cooperating with an officer should not be subject to any use of force. Instead, the officer should display professionalism, use nonverbal and verbal commands to obtain control, and conduct a search and place handcuffs without using more serious force.
- *Level II: "Resistive."* A situation requiring the least amount of force is one in which a suspect's actions can be called "resistive." In these circumstances, particular types of force should be used to temporarily suspend a suspect's behavior. While these alone may not stop a suspect from being resistive, the intention is to use the least amount of force necessary to obtain control and take the suspect into custody. Examples of these types of force include control holds or control techniques, intermediate weapons, a firm grip, defensive tactics, or OC spray/chemical agents. Sometimes, these types of force can be applied repeatedly or serve as a transition to another tactic.<sup>71</sup> OC spray may be utilized when deputies must (1) protect themselves or others from assault, (2) overcome a suspect's resistance to arrest, or (3) restrain a violent suspect in custody. A deputy should target a suspect's face or eyes from a distance of 10-12 feet.<sup>72</sup>
- *Level III: "Assaultive/High Risk."* The next level of escalating use of force is when a suspect's actions become assaultive or high risk. In these circumstances, Tasers and less-lethal weapons may be used as a transition to the next level of force. Examples include impact weapons (e.g., batons or flashlights), personal weapons (e.g., hands, legs), carotid restraints or K-9s.

A Taser, an electronic immobilization device used to control suspects,<sup>73</sup> may never be used in certain circumstances: (1) when a suspect is under control; (2)

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<sup>70</sup> See LASD's "Situational Use of Force Options Chart."

<sup>71</sup> 5-06/040.00 INTENDED PURPOSE OF LESS-LETHAL WEAPONS.

<sup>72</sup> 5-06/040.35 PROCEDURE FOR USE OF INDIVIDUALLY ISSUED OLEORESIN CAPSICUM (OC) AND OC+ CHLOROBENZYLIDENE MALONONITRILE (CS) BLENDED AEROSOL AGENTS.

<sup>73</sup> 5-09/175.05 ELECTRONIC IMMOBILIZATION DEVICE (TASER) PROCEDURES.

without notifying a field sergeant of intention to use the Taser and receiving approval of the Watch Commander, except in emergency circumstances; or (3) when a person is handcuffed, detained in a police vehicle, or detained in a custodial setting.<sup>74</sup> The use of a Taser must be reported as significant use of force in the incident report. If a suspect has been “tased,” he or she must receive medical evaluation at a medical facility before booking.

According to Department policy, an impact weapon may never be used for head strikes unless circumstances are serious enough to necessitate use of deadly force,<sup>75</sup> such as if the suspect’s actions are life threatening or serious bodily injury would otherwise occur. When batons, a type of impact weapon, are used, officers are instructed not to target the head, neck, or spine area unless the situation appears to be life threatening.

- *Level IV: “Life Threatening/Serious Bodily Injury.”* If a suspect’s actions seem life threatening, firearms may be used. There was no use of firearms in our investigation of resisting arrest incidents.

In this Report, we do not seek to make judgments about whether an individual use of force was justified. Instead, we aim to provide a picture of the arrestees upon whom force was used, the amount of force that was used, the circumstances of the arrest and use of force, and, where possible, the extent to which justifications for the use of force were documented, reviewed, and accepted.

## **II. Force Data**

Information on the use of force during an obstruction-related arrest was drawn from the Personnel Performance Index (PPI), the Sheriff Department’s early warning/risk tracking database.<sup>76</sup> The PPI’s Use of Force module collects information about all incidents during which reportable force is used. For each incident, the database tracks all types and locations of force used, injuries, and complaints of pain for each involved employee and suspect. It also lists

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<sup>74</sup> 5-09/175.05 ELECTRONIC IMMOBILIZATION DEVICE (TASER) PROCEDURES.

<sup>75</sup> LASD Manual at 3-01/025.10 “UNREASONABLE FORCE.”

<sup>76</sup> We have discussed the PPI and the use of force module in several past Reports, including, most recently, our 27<sup>th</sup> Semiannual Report.

demographic and identifying information for each involved person and witness and a variety of characteristics about the incident, including arrest charges. Each incident record also includes, as a digital attachment, the entire force review file.

Using arrestee booking numbers, we queried the PPI for each standalone obstruction-related arrest and found that employees had reported force in approximately 31 percent of the arrests. For each of these, we collected data on the types of force employed, the officers involved, and any related injuries. We also reviewed incident summaries for relevant factors about how the incident arose and how it was explained by involved officers and supervisors.

#### **A. Force Rates**

Associated force records were found for 226 obstruction-related-booking numbers, approximately 31 percent of all 722 obstruction-related arrests. In terms of the primary arrest offense, force was reported for:

- 131 of 531 misdemeanor obstruction bookings (25 percent)
- 44 of 84 felony obstruction bookings (52 percent)
- 51 of 107 misdemeanor battery bookings (48 percent)

As expected, a higher proportion of arrests for felony obstruction or misdemeanor battery against a peace officer involved uses of force. Because those charges involve at least some level of force on the part of the arrestee (including, in some incidents, touching), it seems reasonable that a relatively high percentage of those arrests would also involve force by the officer. Indeed, we found that that force was used at about twice the rate for those charges as for misdemeanor obstruction charges, a difference that was statistically significant for both groups (there was no statistically significant difference between misdemeanor battery and felony obstruction cases). Nonetheless, the total number of misdemeanor obstruction cases where force was used was more than the number of similar cases involving an arrest for misdemeanor battery or felony obstruction combined.

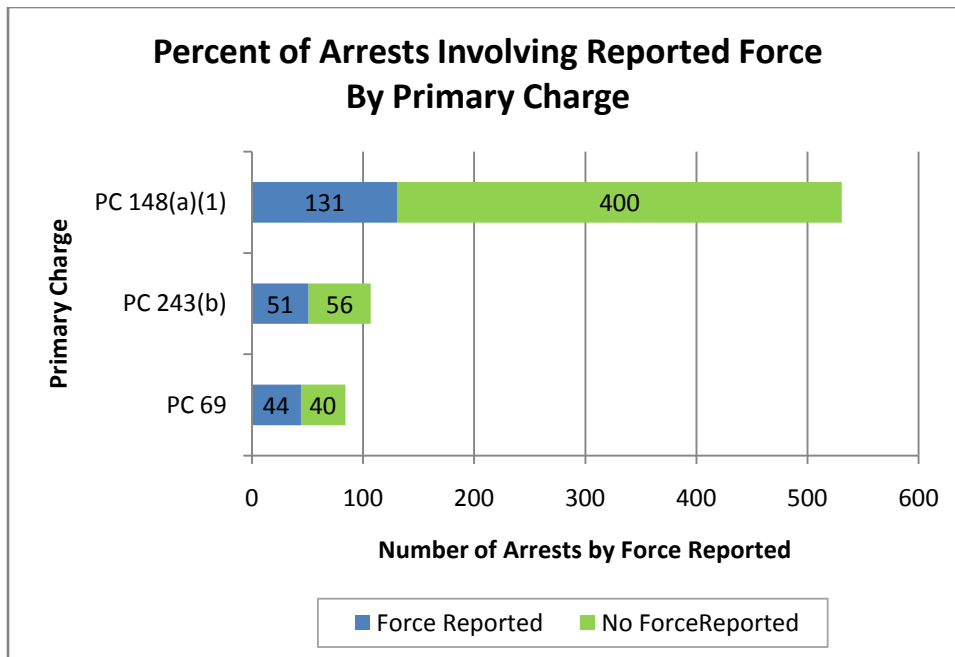


Figure 2.1: Percent of Arrests Involving Reported Force by Primary Charge

## B. Demographics

In general, while there were some differences in the proportion of arrests involving force by demographic group, most were not large enough to be statistically significant. As such, variations in force rates among different groups should be considered to be non-significant unless otherwise noted.

## 1. Gender

Overall, male arrestees (33 percent) were slightly more likely to have force used against them than were female arrestees (27 percent). (Unless otherwise noted, this and other differences in this section were not statistically significant.)

- When separated by primary charge, we found that there was virtually no difference in the force rate between arrests of men and women charged with misdemeanor obstruction (about one-fourth for both), but the gap widened somewhat for misdemeanor battery cases (49 to 43 percent) and dramatically for felony obstruction cases (55 percent to 30 percent). The number of female arrestees charged with this last charge was so small—just 10—that the difference is likely meaningless, however.

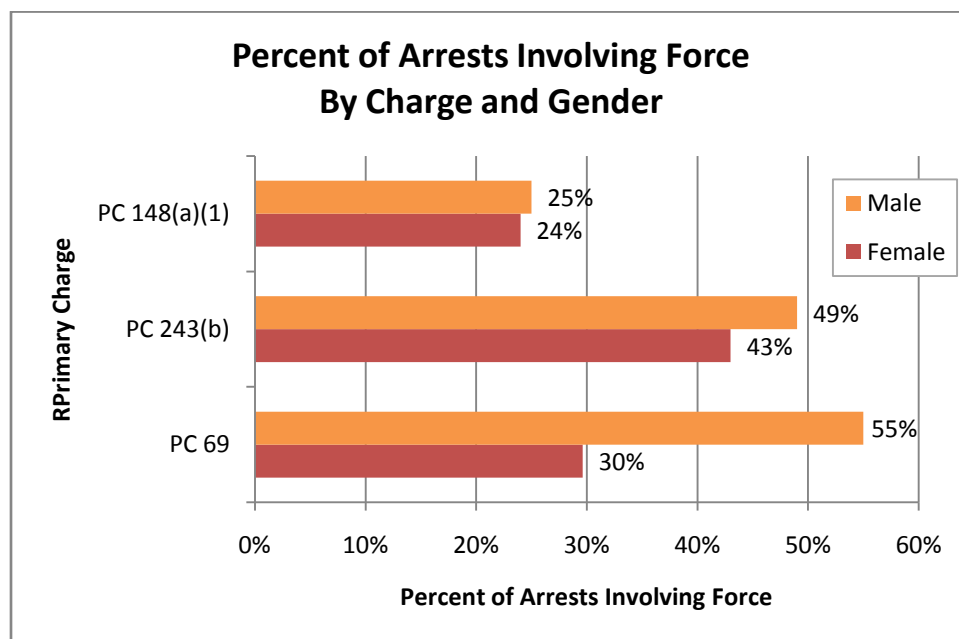


Figure 2.2: Percent of Arrests Involving Force by Charge and Gender

- When looking at gender by race, we found that African-American and white women were actually slightly MORE likely to have force used against them than were men in those groups. While interesting, these reversals were not statistically significant. Latino men alone, however, were much more likely to have force used against them (35 percent) than were Latino women (21 percent), a difference that was statistically significant.

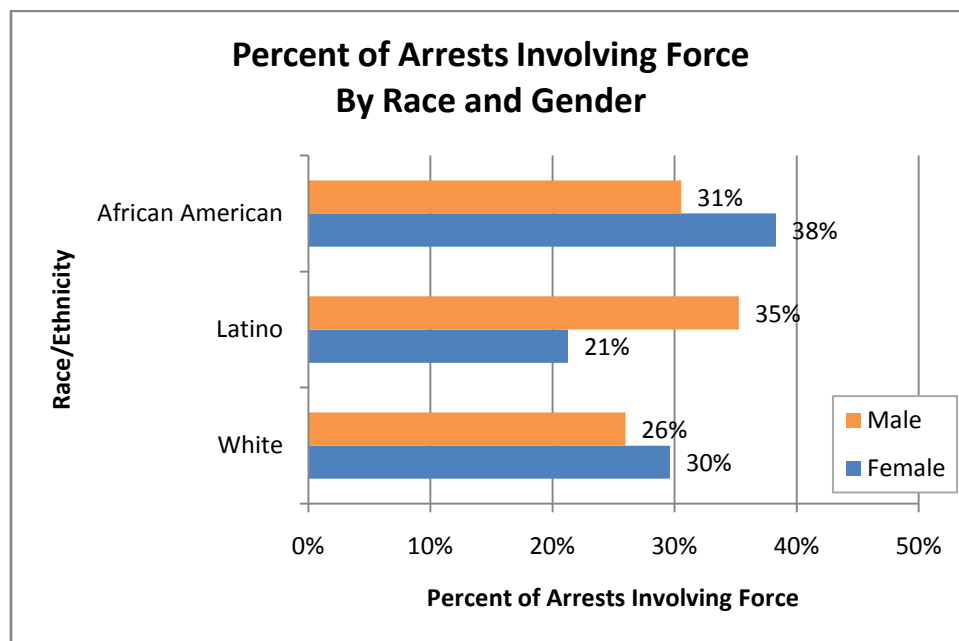


Figure 2.3: Percent of Arrests Involving Force by Race and Gender

## 2. Race

Arrests of African-Americans (32 percent) and Latinos (32 percent) were slightly more likely to involve force than were arrests involving whites (27 percent).<sup>77</sup>

- When taken alone, force rates for misdemeanor battery arrests were very similar across races. In contrast, however, arrests of whites charged with misdemeanor obstruction (19 percent) were less likely than those of African-Americans (32 percent) and Latinos (26 percent) charged with the same crime to involve force. We also found that African-Americans (61 percent) charged with felony obstruction were much more likely than similarly situated Latinos (45 percent) to have force used against them. The number of whites charged with this offense, just four, is too small to make a meaningful comparison.

<sup>77</sup> Because of their relatively small number—just nine arrests, arrestees with a reported race or ethnicity of “other” are omitted from discussions of relative proportions.



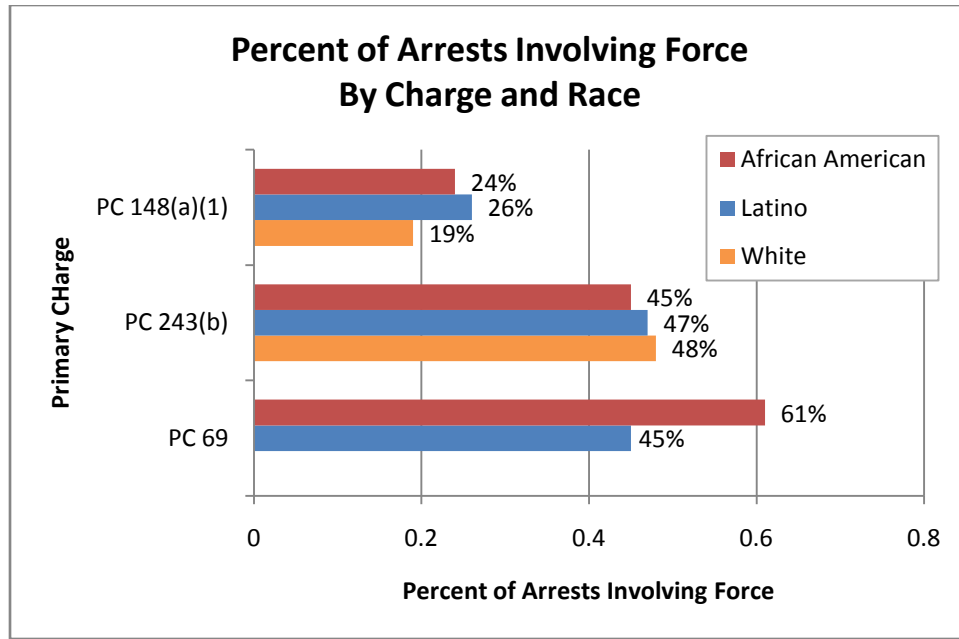


Figure 2.4: Percent of Arrests Involving Force by Charge and Race

- As can be deduced above, arrests involving African-American (38 percent) and white women (30 percent) were much more likely to involved force than arrests of Latino women (21 percent). In contrast, arrests involving Latino men (35 percent) were slightly more likely to involve force than were arrests of African-American men (31 percent) and much more likely than arrests of white men (26 percent).

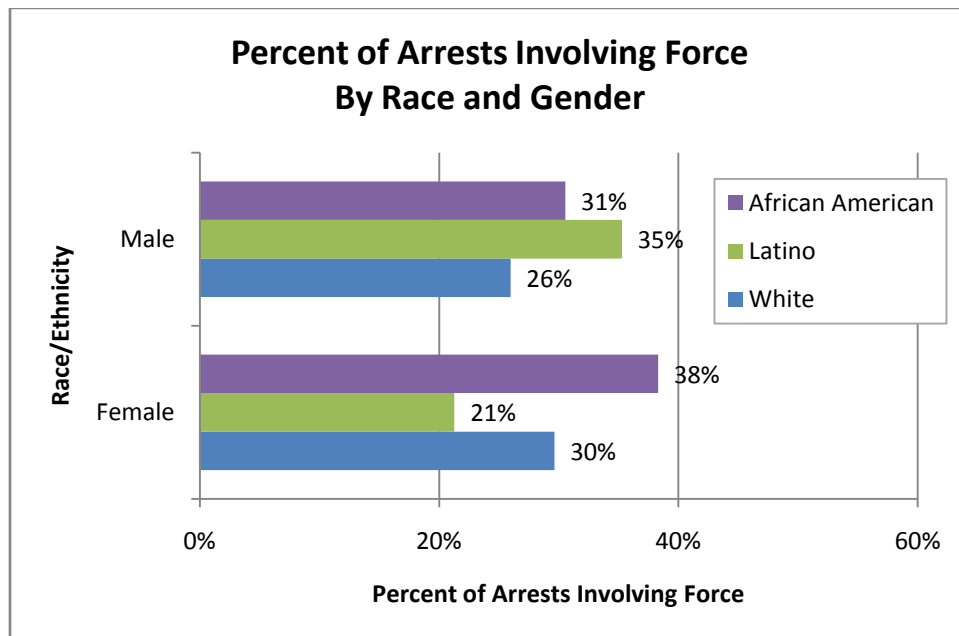


Figure 2.5: Percent of Arrests Involving Force by Race and Gender

### 3. Age

The force rate for most age categories generally hovered around thirty percent, with only one group—suspects aged 56-65, with 54 percent—showing a higher rate. Because that age category contains only 13 suspects in total, this number is not particularly meaningful, although it does seem to be a somewhat high rate of force considering the age of those suspects.

- As with other categories, all of the age categories show higher rates of force for battery and felony obstruction than for misdemeanor obstruction/resisting arrest. When looking just at misdemeanor obstruction/resisting arrest charges, however, we were somewhat curious to find that suspects under the age of 18 and those over 55 showed higher force rates than other categories. A full 30 percent of the 91 juveniles arrested on a misdemeanor obstruction charge had force used against them, compared to just 24 percent of suspects aged 18-25 and 20 percent of those aged 26-35. As for suspects aged 56 and older, 43 percent of their arrests involved the use of force; here, again, however, the number of suspects is too low to be meaningful. Indeed, none of the differences between the age groups are statistically significant. Nonetheless, we would have expected to see lower incidences of force used against minors who are charged solely with obstruction or resisting arrest without the use of force.

Force Rates by Age and Charge				
Age Range	PC 69	PC 243(b)	PC 148(a)(1)	All Charges
12-17	39%	42%	30%	33%
18-25	56%	51%	24%	31%
26-35	40%	63%	20%	28%
36-45	71%	50%	25%	33%
46-55	100%	22%	26%	30%
56-65	100%	67%	44%	54%
66-77	100%	0%	40%	33%
<b>Total</b>	<b>52%</b>	<b>48%</b>	<b>25%</b>	<b>31%</b>

Table 2.1: Force Rates by Age and Charge

- Many of the categories created by separating suspects by race and age category are too small to make meaningful comparisons across groups, although there are some clear fluctuations. Here, we focus primarily on racial differences in the use of force against minors, particularly where the primary charge was that of resisting arrest. As we noted above, about 30 percent of arrests of minors on a misdemeanor obstruction charge involved a use of force.

#### 4. Unit

The following chart shows the percentage of arrests involving a reported use of force by unit or station. The total number of incidents involving force (not counting multiple suspects involved in the same incident) range from none to 24 at the two stations with the largest numbers of uses of force, Lancaster (24 percent of arrests) and Palmdale (30 percent of arrests).

In terms of force rates for those stations with 10 or more arrests, the majority—13 out of 17—report proportions of between 23 and 37 percent of all arrests. Two units—COPS (8 percent) and Carson (21 percent) have lower rates than that range,

while West Hollywood (41 percent) and East LA (62 percent) fall above it. Both Carson and West Hollywood skew a little higher than expected because they have more than one arrest involving several people.

- Carson, in particular, stands out. With 37 obstruction arrests, it falls into the top third of stations in terms of number of arrests, but its number of unique force incidents is noticeably lower. In general, it does not vary noticeably from other stations with large numbers of arrests in terms of the type of obstruction arrests made, but nonetheless reported just six incidents involving a use of force.
- In contrast, the use of force rate at East LA, the only unit to report a force proportion of more than 50 percent, seems quite high, at nearly two-thirds of all obstruction arrests. Like Carson, this doesn't seem to be due to particularly more serious cases; while the force rate drops to 53 percent when looking at just resisting arrest charges, that rate remains the only one over 50 percent, with the next-highest use of force rate being West Hollywood's 41 percent. Overall, East LA's rate shows a statistically significant difference from three other large stations: Carson, Lancaster, and Santa Clarita Valley. We discuss details of the station's force incidents later in this section.

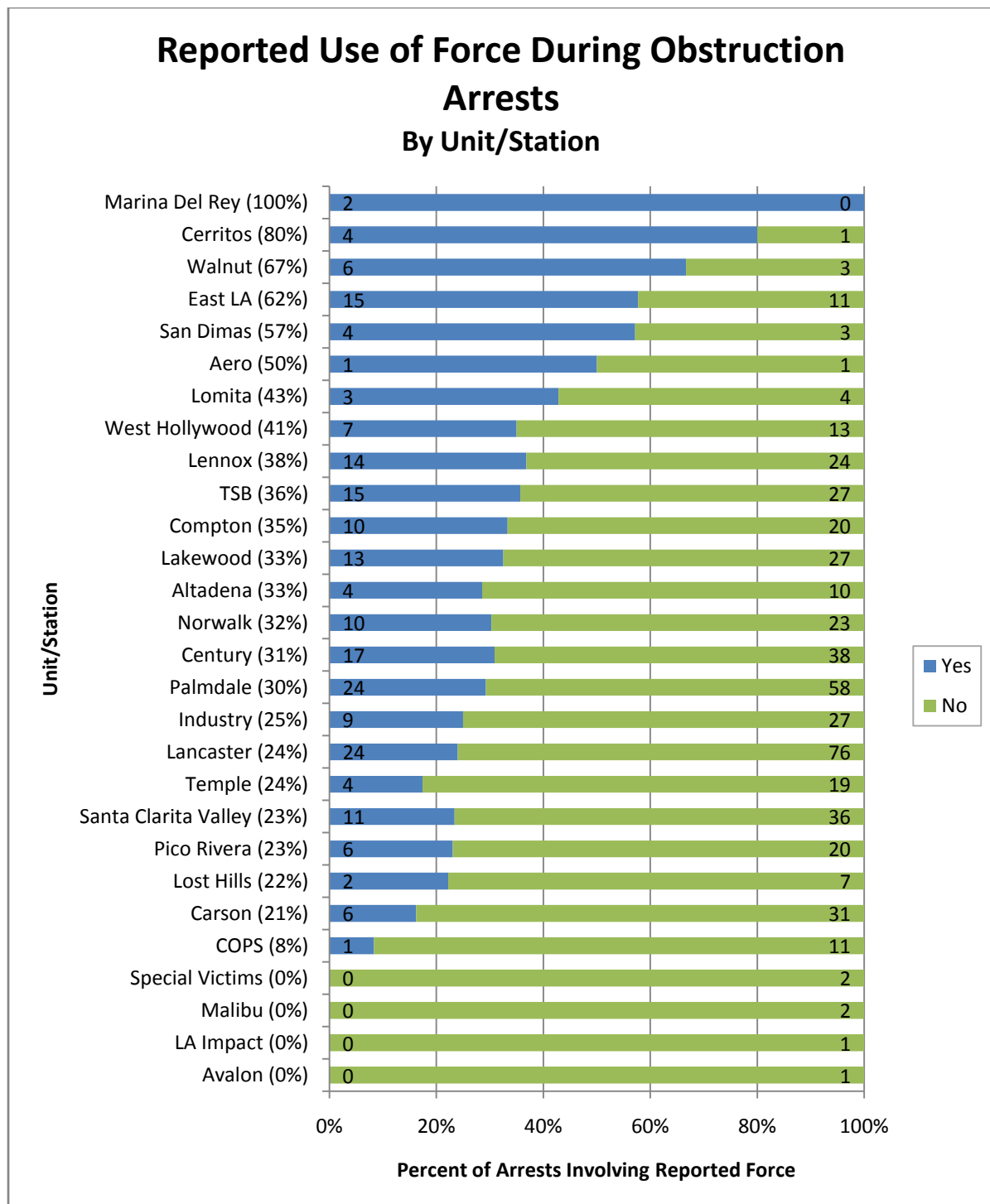


Figure 2.6: Reported Use of Force During Obstruction Arrests by Unit/Station

As to be expected, all of the stations show greater proportions of the use of force for more serious offenses, particularly felony obstruction.

a. *Race*

We looked briefly at whether there were any differences among force rates for racial/ethnic groups at each unit. Because of the difficulty of comparing proportions of small groups, the following chart includes only groups with five or more arrestees and only stations with two or more eligible groups.

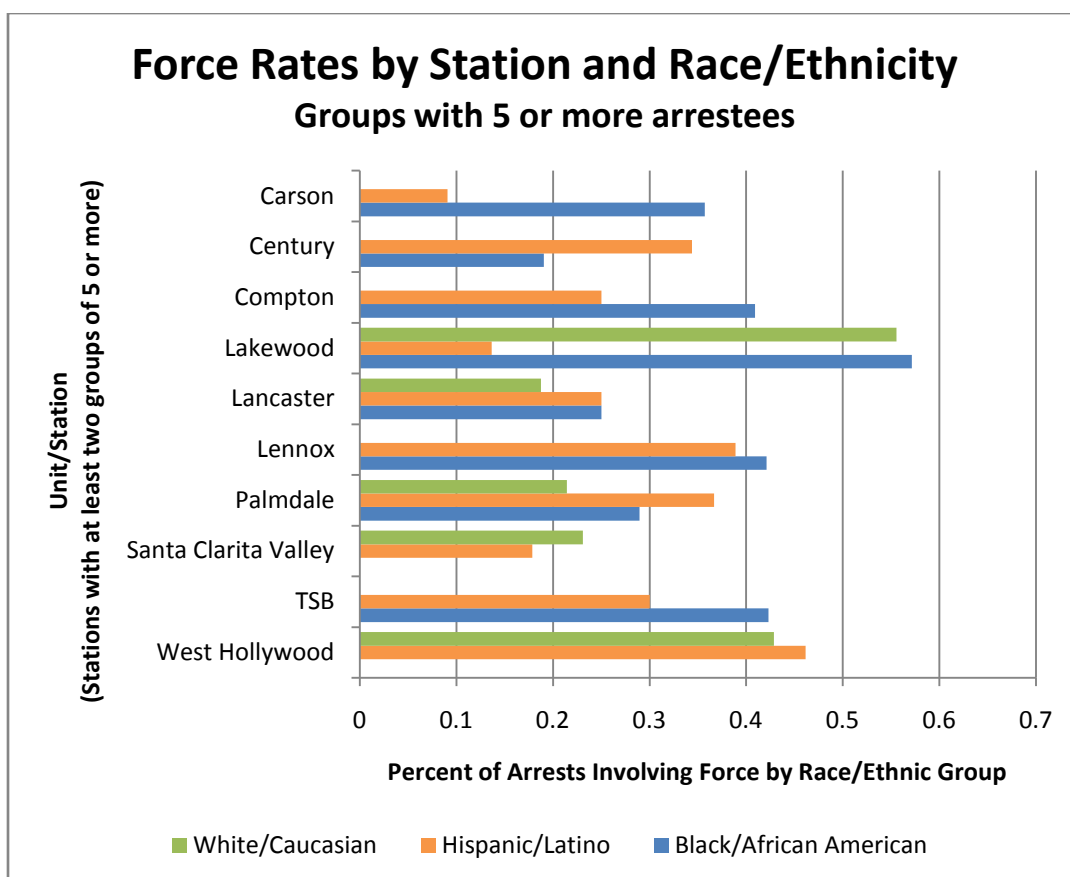


Figure 2.7: Force Rates by Station and Race/Ethnicity

Most stations did not have large enough groups of white arrestees to include them in the chart, while others did not include African-Americans. In general—at all but Palmdale Station—African-American suspects were more likely to have force used against them than were Latinos, while Latinos (with the exception of in Santa Clarita Valley) had higher force rates than whites.

**C. Incident Characteristics**

In the following sections, we describe—in broad strokes—some of the dynamics of the LASD’s obstruction arrests involving a use of force in 2007, including the

reason for the initial contact, reason for initial use of force (contacts beginning with a resisted handcuffing), suspect's level of resistance, type of force used, and injuries sustained. In considering these characteristics, it is important to note that they provide a picture only of those obstruction cases where force was used and not obstruction cases as a whole. There may be factors that result in a different make-up for obstruction arrests not involving force. Second, these characteristics are distilled from officers' accounts of the incident, not the suspects'. While many cases included differing stories, we did not independently evaluate the credibility of these accounts. Finally, these categories are based on our best understanding of the facts where there was sometimes conflicting information in different summaries or actions or rationales that were vaguely described. As such, they should be taken as a general picture of the arrests, not an exact measurement of these factors.

#### 1. The PPI

The PPI's force module is quite sophisticated and collects data on a variety of aspects of each use of reported force, including demographic information for each involved suspect and officer, the types force used, injuries sustained, medical treatment offered, and more. Along with these circumscribed fields, the form also includes a brief synopsis of each incident and an attachment containing any associated force investigative files or notes.

We used this information to provide a clearer picture not only against whom force was used, but how it was used, what the result was, and to a general extent, the circumstances and actions leading up to and during the use of force.

Unfortunately, because we are constrained from accessing the system's information in a raw data format, we were limited to coding and entering data from PPI and associated reports into our own database.

##### a. *PPI Synopsis*

Some of the most useful data about the way force is used by the Department against suspects arrested on an obstruction charge is, by its nature anecdotal and not fully captured by easily quantifiable variables. For example, the sequence of events—how and why the officers made contact with the subjects, the specific type

of resistance that precipitated the use of force and its interpretation by officers, and other important circumstances of the arrest—is primarily gleaned not from data fields but from written descriptions of the incident and interviews. To extract this information, we intended to use as a primary source the incident synopsis, a particular field captured directly in the database and thus easily accessed and exported into reports.

**We were dismayed, then, to find that a large proportion of these synopses do not contain sufficient information to make even a basic assessment of the major facts of the incident.** Of the 201 unique incidents for which we could find PPI data, only about one-third contained a complete account of the incident, including why the suspect was initially contacted and what actions were taken by each involved subject and officer and why. Nine cases had no synopsis whatsoever, and about 17 percent had a synopsis we would rate as poor due to the lack of any meaningful information. Examples of this type of synopsis include the following:

- “Deputy used control holds to arrest suspect.”
- “Raised a flashlight toward [the deputies] and was OC sprayed/takedown.”
- “Deputy [R]. tased the suspect who attacked Deputy [C]. Deputy [C] used control holds.”
- “Force was used when suspect was running and not obeying deputies' orders.”
- “Re: DUI investigation.”

Such summaries provide almost no information about the particular circumstances that led to the use of force against the suspect. Although some data can be gleaned from other fields such as the charges filed and types of force used and injuries reported, other useful information is lacking entirely.

The remaining synopses were somewhere between very good and poor, with 22 percent containing detailed information about one aspect of the incident but not others—such as several that began with a description of the suspect’s resistance but not why he or she was being contacted, or others that provided a description of the initial contact without explaining how the suspect behaved or how and why



force was used. About 22 percent contained information about each important aspect of the incident but failed to provide enough detail to create a full picture of the incident's dynamics.

**We recommend that the LASD require that PPI synopses, which are entered during the “Preliminary Data Entry” stage by a station administrator, contain information about why the contact was made and a brief chronological account of the actions of each involved suspect and officer according to the reporting deputy. Such information is particularly important in obstruction cases, where the rationale for the initial contact is not self-evident, and where the suspect's specific actions during the contact, rather than an earlier crime, dictate whether he or she will be arrested. It is also useful in other cases as well, however, in providing management with information about the tactics and dynamics of arrests and other contacts with citizens that ultimately result in the use of force by an employee.**

To be sure, managers who are looking to get a complete picture of an individual case, particularly in trying to assess the reasonableness of force used, can and should refer to the attached force package, which contains detailed officer accounts and summaries of suspect and witness interviews and other important documentation. It also includes written assessments of the incident and attendant tactics and uses of force by supervisors up the chain of command. We ourselves referred to the package in each case where the synopsis did not include sufficient information. The usefulness of this process across a large number of cases is limited, however, by the fact that force packages are quite long—some up to 70 pages or more, very detailed, with several accounts of each incident, and organized in a variety of ways depending on the station. Even if the format was standardized, with, for example, the synopsis on the front page of the attachment, that information cannot be exported efficiently to reports or raw data sets, diminishing its usefulness for broad analyses.<sup>78</sup>

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<sup>78</sup> In fact, the use-of-force assessment form was revised and standardized in January of this year, although relevant summaries do not appear at the beginning of the document.

We understand that an emphasis on the entry of a full summary of each incident could result in the delay of PDE entry until the incident has been fully documented and summarized, reducing the overall ability of the database to capture risk-related activity as it happens. Indeed, it is clear from looking at the synopses that the differences in detail stem in part from different practices by station. For example, nearly two-thirds of Lakewood Station's entries were excellent, with no entries being categorized as "poor." It also appears that these were entered early in the investigative process. In contrast, more than half of the entries at a couple of other large stations were exceedingly brief. **We recommend that each station come up with a reporting form that includes an initial summary of each incident—including a list of required elements—to be written within 72 hours by an operations sergeant or watch commander, with the understanding that the synopsis does not represent a final accounting of the facts.**

*b. Matching Cases*

Because AJIS arrests and PPI uses of force are not connected, we used the booking number attached to the force record to connect arrests and uses of force and discover the proportion of arrests that involved a use of force. Where those booking numbers were missing or incorrectly typed, however, the cases did not match up. As such, there may be some cases that involved a use of force that were not counted as part of that proportion. For example, we happened upon the following case that, according to the PPI involved a resisting-arrest case:

- In Century Station at 12:30 AM, an African-American man, age 21, was stopped by two officers. They saw the suspect reaching into a vehicle near the location of a carjacking that they were investigating. (It was later revealed that the suspect was reaching into his car to take out beverages). They shined a flashlight into the suspect's face, startling him. He responded angrily. When they ordered him to put his hands behind his back to do a search for weapons, the suspect refused. This led to a use of force incident involving personal weapons, OC spray and control holds, and resulting in a resisting arrest charge. The booking number was missing and thus could not be automatically matched with the database.

We recommend that, in completing their data entry, supervisory staff at the station or Discovery Unit staff check the booking number against AJIS to ensure that the information is correct and complete.

While it would be useful to simply match the number of cases involving those charges in the PPI against that of those in AJIS, this process is complicated in practice by the fact that charges in AJIS and charges in the PPI do not always match. We came across several cases in the PPI that ostensibly included secondary or different arrest charges from those listed in PPI. Whether this is because officers reporting force intended to file a charge that was ultimately dropped, or whether additional charges were contemplated following the initial arrest, we could not know without conducting extensive additional research. Thus, for consistency's sake, we included in our database all cases that contained a sole arrest charge of obstruction, regardless of what was listed in the PPI. These two sets of data should be identical, however, with the charges listed in PPI matching exactly what is in AJIS. If other charges were dropped or added later, these can be listed in the synopsis or perhaps in an additional field. We suggest having Discovery Unit staff check the booking charge in AJIS and request correction of any mismatches to remedy this issue.

*c. Data Duplication and Automation*

The sheer volume of data associated with each force case, along with the need to scan and attach a long force package, results in a time-consuming and tedious process of data entry on the part of the Discovery Unit, which has only two staff members assigned to enter all force cases. Frustratingly, much of this data entry is a duplication of work already done by supervisors, who enter the information into a force reporting and review report in Omniform. The Discovery staff member must then re-enter most of that information, including each instance of force employed and the resulting injury or complaint of pain. Not only does this process increase the possibility of entry error, it prolongs the process of PPI updating far past the point where the report was actually made and typed up, thus reducing its potential for efficient risk management. (While some basic information, like suspect and officer identification and the above-referenced synopsis, is entered at the Preliminary Data Entry (PDE) stage, other information

such as the type of force used and resulting injury is not entered in a quantifiable and easily-searchable form until the package closing process at the Discovery Unit.)

In 2007, Lt. Judy Gerhardt of the Discovery Unit has made some preliminary efforts to automate this process using an electronic forms system developed by Microsoft and Adventos. This system would auto-populate the fields in connected databases and allow for the export of original fields from the form directly into the PPI. The original form would also be attached as an original digital file, rather than having to be scanned by hand into the database. This process would also allow for the attachment of multimedia materials throughout the investigation. Although the two software companies presented a demonstration of the proposed new system in January 2010, the project has since been stalled due to budgetary concerns. We urge the LASD to maintain this project as a priority and keep an eye out for how they can make it come to fruition. Not only would such an automated system improve overall efficiency and timeliness of the risk-management component of the PPI, it would greatly reduce the amount of paper, potential for error, and redundant and tedious work involved with the current system.

## 2. Reason for the Stop (by Incident)

Approximately 52 percent of all obstruction-related force incidents were precipitated by a call for service or citizen flag-down, while 46 resulted from officers' observations. About two percent involved warrant service, and one percent began with another type of process, such as a probation check. The following chart provides a breakdown of contacts by reason and type of initiation. It should be noted that some stop types, such as burglary, does not necessarily indicate that the arrestee committed the crime, or even that he or she was suspected of doing so. (Had there been reason to arrest them on such a charge, they would not have been included in this sample.) Instead, that designation means that the officers contacted the subject while investigating a burglary call or they suspected the arrestee of being involved in a burglary. Arrests in the "Other" category include incidents relating to, among other things, littering, lighting fireworks, 911 hang-ups, interfering with a tow truck, parking violations, and loud music.

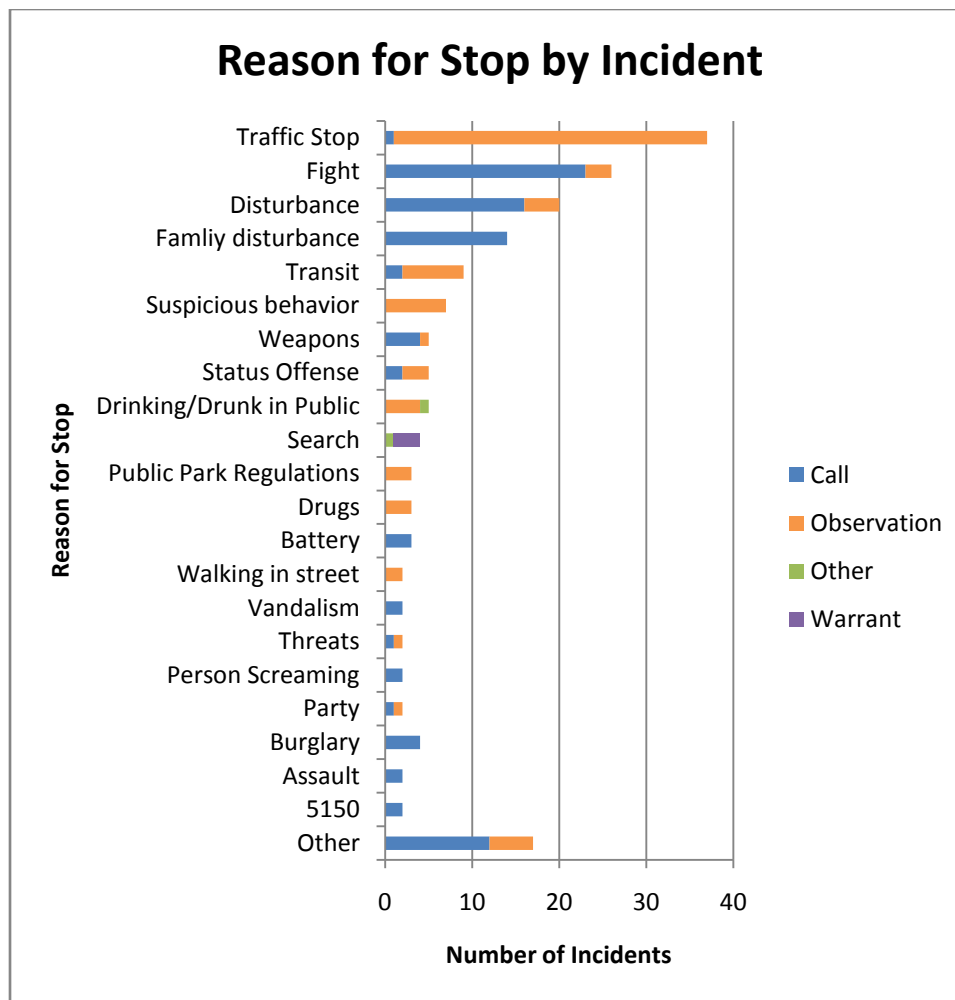


Figure 2.8: Reason for Stop by Incident

a. *Traffic Stops*

When taken alone, the most common type of obstruction incident involved a traffic stop, either of a car (30 cases), bike (4), or pedestrian (2). Vehicle stops often included a combination of noncompliance or an angry attitude on the part of the subject and an asserted concern about safety on the part of the officer, particularly when the subject was slow to respond or moving inside the vehicle, reflecting the inherent vulnerability of a police officer in these situations as well as the frequent frustration of drivers stopped for traffic violations. Police officers have the authority to effect a back seat detention or pat down of the subject to ensure their safety, and we found that several of the stops escalated into force incidents when the officer attempted to conduct one of these actions. Most of the suspects in this category were people of color, with only four of the 42 being white. About 74

percent of suspects in this category were convicted of at least one charge; 62 percent were convicted of an obstruction charge (not including disturbing the peace).

- In Lennox, officers stopped a 24-yr-old African-American female driver for failing to yield at a red light. The suspect got out of her car and walked rapidly toward the deputies with “an angry frown on her forehead,” “as if she had a purpose or somewhere important to be.” The deputies ordered her to stop. She ignored them, saying, “Why the hell are you stopping me?” The officers feared that her unexpected behavior, angry demeanor, and the possibility that she was creating a diversion could jeopardize the deputies’ safety. They decided to conduct a pat down search, but while detaining her, the suspect tried to turn around to face the deputies. In response, the deputies pushed the suspect against the car and arrested her for resisting arrest. The Watch Commander found that the deputies’ actions were entirely reasonable; had the suspect remained in her car or exercised some restraint, she would not have been arrested. The suspect was cited for resisting arrest, but a search of court records found no related charges filed.
- A Latino driver was pulled over by a Santa Clarita Valley deputy for a vehicle code violation, but he did not pull over immediately. Rather, he drove to a department store parking lot a block and a half away and parked there. The deputy saw the driver reaching around for something in the passenger seat and believed he was possibly hiding or retrieving some type of contraband. According to the deputy, the driver was annoyed and uncooperative, and was asked to exit the car for a pat down search, ostensibly based on his “furtive movements” in the car. The suspect became upset and claimed that the deputy had no probable cause to search him. The deputy then decided to effect a back seat detention to better contain the suspect, but the suspect attempted to break away and, while turning, nearly swung his elbow into the deputy’s face. He was then taken to the ground and arrested on a felony obstruction charge. Those charges were not filed with the court, however, and he was later convicted of a misdemeanor resisting arrest/obstruction charge.

These cases are representative of many other traffic stop incidents, where suspects' angry demeanors and uncooperative behavior are, for better or worse, interpreted as threats to the officer's safety. Like these cases, however, many can also be seen as cases where the suspect is behaving in "contempt of cop" by challenging the stop or being otherwise belligerent. When this behavior precipitates a search or detention, it would be helpful for the officer to clearly explain his authority to do so and what the suspect can expect to avoid escalating the situation further.

*b. Fights and Disturbances*

The next three largest categories are variations on fighting or causing a disturbance, with fight calls being the largest category, followed by disturbances in public, on transit, or a business, then family disturbances. Taken together, the disturbance category would be larger than traffic violations. Even more than traffic stops, situations where the subjects—often intoxicated—have already been involved in a confrontation, violent or otherwise, are often predisposed to be aggressive or even combative with officers arriving at the scene. Such disturbances are generally already-volatile situations that may present particular danger for deputies and, because they involve subjects who are often combative or aggressive, often result in the use of a more serious level of force. About 52 percent of suspects in this category were Latino, 27 percent were African-American, 17 percent white, and three percent Other. Of the three major groups, however, only Latinos had a high likelihood—about 11 percent—of being involved in a family disturbance than were African-Americans and whites, who were much less likely to be arrested related to such a call at around four percent. Of all the categories, whites were mostly likely to be involved in a fight-related arrest, with about 23 percent of all white obstruction suspects. In terms of conviction, 63 percent of fight suspects, 79 percent of general disturbance suspects, and 77 percent of family disturbance suspects were convicted of at least one charge. Just 22 percent of fight suspects, 58 percent of general disturbance suspects, and 77 percent of family disturbance suspects were convicted of an obstruction charge.

- In Industry, deputies responded to a call about a fight at a TGI Friday restaurant and found a Latino suspect who was challenging other patrons to fight. He refused to leave the restaurant, so a deputy took his arm to escort him out, but the suspect tried to pull away and body slammed the deputy. He then stepped into a “fighting stance” and continued to struggle even after the deputy grabbed him around the shoulders. He was then taken to the ground and struck at the deputy. The deputy hit him once and, with the help of another deputy, arrested him for battery on a police officer. He was eventually charged with and convicted of disturbing the peace.
- Deputies in East LA responded, for the second time, to a family disturbance where the Latino suspect had allegedly assaulted his father. When the officers arrived, the son began swearing at them and would not comply with their commands. Following the arrival of a backup unit, the suspect was tased twice—the first time had little impact—and was handcuffed and arrested on a charge of resisting arrest, of which he was also convicted.
- A West Hollywood deputy saw three males fighting in Universal City and ordered them to stop, but they continued to fight. He then attempted to intervene and was hit by the suspect, a white male. He then punched the suspect in the face four times and arrested him for battery on a police officer and misdemeanor resisting arrest/obstruction. The suspect sustained lacerations, fractures and a broken nose. All charges were dropped due to insufficient evidence. It is not clear why he was not charged with fighting or disturbing the peace, possibly because of the injuries he sustained.

c. *Transit Stops*

Ten incidents involved transit stops—generally fare checks conducted by LASD officers or security officers—which devolved when the suspect failed to produce a ticket or refused to exit the transit vehicle (this does not include cases where suspects were creating a disturbance on a transit vehicle or platform, which are included in the previous category). In some cases, LASD officers were responding to requests for assistance from Metro security officers. Overall, the Transit Services Bureau reported a 36 percent force rate for obstruction arrests. Most



transit fare-related arrestees were either African-American, with only two Latino and no white arrests. About 43 suspects were convicted, all of them of an obstruction charge.

- Transit Services deputies cited an African-American female for fare evasion and removed her from the train.<sup>79</sup> As she exited, she spit on a deputy's face and chest, and according to the report, also tried to strike at them with her fist. The deputy struck her one time in the face and then performed a takedown and handcuffed her. She continued to struggle and the deputies used a TARP—Total Appendage Restraint Procedure, where the arrestee is hobbled and the hobble attached to the handcuffs—to control her. The suspect sustained abrasions and complained of pain. She was charged with battery on a police officer but no related court filings were found.
- At Transit Services, an officer was checking fares. When he asked the suspect, an African-American male, age 17, for his ticket, he said he had just thrown it away. The deputy ordered him to get it or be cited for fare evasion. The suspect walked over to a trashcan, said he would not retrieve the ticket, and told the deputy to get it. When the deputy ordered the suspect to step over to be cited, the suspect refused, said he was going to call his mother, and pulled out his cell phone to start calling. The deputy grabbed his arm and began escorting him to the exit. The suspect tried to get away. Two LAPD officers assisted the deputy in grabbing the suspect's arms, spraying him with OC, handcuffing him, and getting him into a patrol car. Language used in the report was that the suspect was "belligerent" and "violently resistive." He was charged with resisting arrest/obstruction, but because the suspect was a juvenile, we do not know the outcome of the case.
- A Security Assistant asked an African-American male, also age 17, for his ticket for the bus. The subject belligerently said that he did not have a "fucking ticket" for the bus. The deputy then moved to cite the subject, who said he had

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<sup>79</sup> This case is an example of a case where the synopsis references a secondary charge but that charge is not included in AJIS records, possibly because she was booked only on the most serious charge. Because the study is focused on cases where the suspect was booked on a sole obstruction charge—and because this is a clear primary case of obstruction—such cases were retained in the study.

“no fucking ID” and provided a false name, continuing to be “verbally unruly.” A deputy approached the pair to provide assistance and attempted to pat the subject down by grabbing his wrists, causing the subject to pull away and yell “don’t fucking touch me from behind.” The deputy then put the suspect in a bear hug and was assisted by others who handcuffed him and placed him under arrest for resisting arrest. He complained of pain to his arm and neck, and the use of force review questioned the wisdom of using the “bear hug” tactic. Again, because the subject was a minor, we do not know the final disposition of this case.

Like traffic stops, transit stops appeared often to include suspects who—angry about being stopped—were contemptuous of the officers and refused to follow directions, as in the last two cases above. Both cases also, incidentally, involved juveniles, who made up about one-third of uses of force during a transit stop. Fare evasion is a relatively minor infraction; as such, we suggest that deputies exhaust all other means of getting the suspect to cooperate before placing their hands on the suspect, which often escalates the situation into a more serious use of force.

*d. Suspicious Behavior*

The next largest category of incidents involved seven cases where the suspect or suspects were engaged in “suspicious” behavior, according to the reporting officer, and requires perhaps the most rigorous standard of review of the stop and subsequent sequences of events. Because none of these suspects were arrested of any crime beyond obstruction, these suspicions appear generally to have been unfounded. We note also that all of the suspects in this category were African-American or Latino. About 75 percent of arrestees were convicted of at least one charge; 63 percent were convicted of an obstruction charge.

- In Palmdale, while driving a juvenile home for violating curfew, deputies saw two Latino men standing in the darkness near a parked car. Believing they were involved in illegal activity, they decided to contact them, but they both quickly walked away onto a front yard. According to the account one of the suspects attempted to punch a deputy so he hit him several times with a flashlight, resulting in abrasions on his arms and elbows. While he was being

arrested, the second punched the assisting deputy in the back. The deputy responded by punching him in the face. Both men were arrested for felony obstruction. According to the witness, the suspect began swinging on the deputies first, and the force was found to be in-policy, although their tactics were questionable: their initial actions were not in compliance with LASD policies and procedures. (The deputies were also cited for failing to log the transport of the juvenile.) Charges were filed on both suspects for felony obstruction, misdemeanor arrest/obstruction, and disturbing the peace. One suspect was convicted of disturbing the peace, but all other charges were dismissed or not prosecuted.

- Santa Clarita deputies at the Magic Mountain amusement park observed a group of young people walking toward the exit who matched the description of suspects in an earlier theft. One of the suspects, an 18-year-old black male, was reaching into his pocket and handing objects—such as a cell phone—to the girls in the group. The deputies interpreted this as suspicious behavior. When they approached the suspect to investigate, he became loud and belligerent, possibly, as the boy's father later suggested, showing off for the girls. The deputies decided to handcuff him and move him away from the group, but as they felt he was inciting the group with his behavior, began to escort him toward the substation. According to the deputies, the suspect was twisting back and forth, possibly trying to get away, an action the suspect described as trying to pull his pants, which were falling down, back up. The deputies then performed a takedown and used personal weapons in an effort to control him, and arrested him on a felony obstruction charge. Ultimately, charges of misdemeanor resisting/obstructing were filed, of which the suspect was convicted. This incident also involved a second allegation of force, by one of the girls in the group, who said that one of the deputies had pulled and twisted her arm in an effort to take her phone. According to the deputy, he simply closed her phone after she ignored his orders not to make any phone calls. The supervisor reviewing the case determined that her claim had no merit, even though it was corroborated by another person in the group, because they did not bring it up until later in the interview, their stories matched, and they failed to describe the primary suspect's unruly behavior.

In both of these cases, the incidents would probably have been resolved quickly and painlessly if the suspects being questioned had simply cooperated and shown respect to the officers. In both cases, the suspect was ultimately convicted of at least one charge, as were all of the nine adult suspects in this category but two. It is not surprising, however, that people who did not commit a crime would react badly to being approached and given commands to stop or answer questions, particularly if physical contact was made. When suspicions are formed solely on the basis of deputies' observations of suspicious behavior (which could be interpreted in more than one way), and where there is no imminent danger, it would seem prudent to give the subject a bit more leeway in arguing and refusing to cooperate before going hands-on. These incidents should be carefully reviewed not just in terms of legal standing or resistance and responsive force, but with consideration to how the suspect was initially approached, as in the first example above. They should also consider whether officers' actions may have been a response to a suspect's belligerent attitude or lack of cooperation rather than just a desire to effectively conduct the investigation.

### 3. Suspect Role

In several cases, the person arrested on an obstruction charge was not the primary focus of the police contact. Seven percent of the incidents involved more than one suspect, and in 17 percent of the individual arrests, the person arrested for obstruction was not the focus of the investigation but was interfering in the officers' attempts to talk to, search, or otherwise detain the primary suspect or suspects. Forty-two percent of those were family members, with the remaining secondary arrestees being friends or bystanders.

- In Santa Clarita, a white woman whose son was being arrested for marijuana possession stood in front of the door of the patrol car, screaming at the deputy and blocking him from placing her son in the car. After she refused to move away from the vehicle, the deputy attempted to arrest her, but she pulled away and began walking away. She was then forcibly handcuffed and arrested for misdemeanor resisting/obstruction, charges that were filed, but dismissed or not prosecuted.

- A Lakewood deputy was conducting a search of the driver during a traffic stop when a Latino bystander approached and complained that they were blocking entry into a place of business. The deputy repeatedly told the bystander to leave, but he refused to do so, so the deputy told him that he was being detained. The man then made several disrespectful remarks but stayed nearby. Following the completion of the traffic stop, the deputy approached the second subject and asked him to turn around. The suspect “twisted his body from side to side” and the deputy grabbed him and swiped his legs out. He then fell to the ground and was handcuffed and arrested for misdemeanor resisting/obstruction, a charge of which he was later convicted.

About 56 percent of family and 61 percent of other secondary arrestees were convicted of at least one charge, while 22 percent of family and 56 percent of other secondary subjects were convicted of obstruction.

#### 4. Action Precipitating Initial Use of Force

The incidents in this study generally began with an officer making requests or commands to the suspect to either submit to a police action or to move away from the incident. It was generally only after the officer perceived a lack of cooperation, whether physical or not, that he or she first moved to use force, ranging from a resisted handcuffing or pat down to the use of an impact weapon. The following chart provides a breakdown of the type of action that the officer was attempting to effect when the suspect first offered some level of perceived resistance or noncompliance.

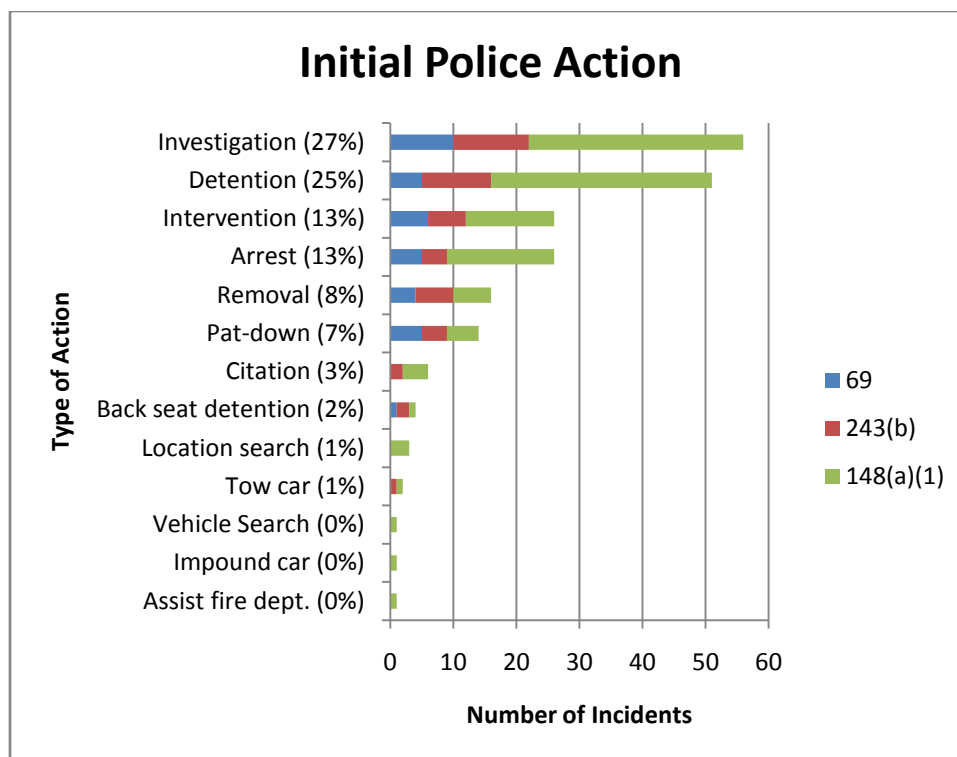


Figure 2.9: Initial Police Action

The most common action being attempted was an investigation—when the officers arrived at a call or observed action and stopped involved parties to ask questions. Next most-common was detention, a somewhat amorphous category generally involving handcuffing or other attempt to keep the suspect detained for follow up and investigation. This was followed by intervention, generally when the deputies were called to a disturbance or fight scene and were attempting to halt fighting or other aggressive behavior, and arrest. The other major category of officer action was a pat-down, whether during a traffic stop or other situations where the officers wanted to ensure there was no weapon present. We also see that felony obstruction and misdemeanor battery suspects were fairly evenly distributed throughout each of the major categories of stop.

The next chart provides a breakdown of the suspect's initial action that resulted in the officers' first use of force. In many cases, the situation escalated from that point forward, with suspects evincing greater levels of resistance or even violence.

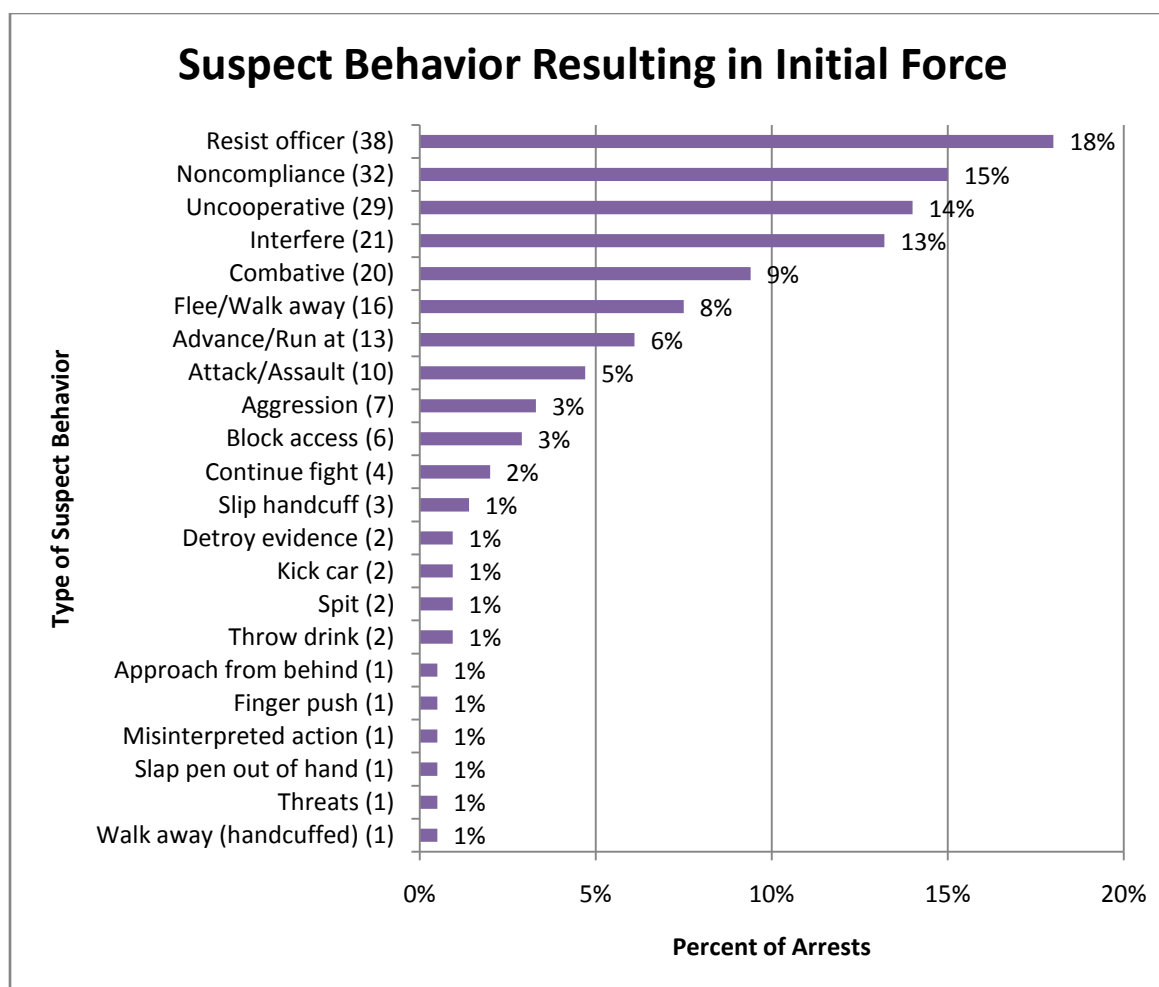


Figure 2.10: Suspect Behavior Resulting in Initial Force

The four most common types of behavior were: physically resisting, noncompliance (not following direction), being uncooperative (refusing to follow direction in a belligerent or argumentative manner), and interfering (getting in the way or trying to prevent an officer from effecting an action with another suspect). In categorizing types of behavior, we also attempted to distinguish actions by taking into consideration the subject's actual actions, demeanor, and result of the action. As such, we defined being combative as making assaultive movements, such as flailing arms or kicking out, without making contact, while attack/assault involved actually contacting the officer. A suspect who exhibited aggression was one who, without making movements to contact the officer, exhibited a threatening or physically confrontational demeanor, such as one who took a fighting stance or who clenched or raised his or her fist. In many reports that we reviewed, officers and supervisors often interpreted such behavior to fall into the

combative or “assaultive/high risk” category, which permits officers to use more significant types of force such as tasers, personal weapons, and if the situation escalates, impact weapons. Because this behavior is, to some degree, open to interpretation, however, we separate it from behavior that is more clearly combative or assaultive, such as when the suspect is actively striking or lashing out. These numbers should be taken as estimates, as categories are not always clear and are based on our reading of the written synopsis.

## 5. Repeated Terms

In reviewing the force files, we came across repeated use of particular terms such as “combative stance,” “fighting stance,” and “clenched fist.” As described above, these terms were often used as a sort of shorthand to justify a particular level of force, as was a reference to reaching toward the waistband. We noted at least 16 cases referencing a fighting or combative stance, 13 involving “clenched fists” and seven mentioning the subject reaching for the waistband. It is likely that a more rigorous review of each file would turn up even more such references. We point these out because, while such movements on the part of a suspect could indeed indicate imminent assault, they are somewhat more open to interpretation than are others. Indeed, in several cases, the suspect or a witness interpreted the movements differently. It is true, of course, that the reasonableness of any use of force is to be judged based on the perception of a reasonable officer at the scene, and this description of suspect behavior, on its own, was rarely used to justify the use of force beyond a takedown, although there were a few incidents involving tasers or personal weapons and one that involved a baton (see below).

Nonetheless, supervisors reviewing these incidents should not accept such descriptions uncritically, particularly when they conflict with other accounts or when the attendant use of force is serious.

- In Palmdale, the station received a 911 anonymous call that an African-American male, (age 21), wearing a black hooded sweatshirt and black pants, had dropped a black duffel bag in the front yard of a neighbor’s house and was sitting on top of the neighbor’s side fence, looking around. Two officers arrived and found the suspect exactly as described, walking toward the duffel bag. Believing him to be a burglary suspect, the deputies “immediately drew their



duty weapons,” and ordered the suspect to show his hands and lie down on the ground. The suspect ignored them. After ordering a second time, the suspect “quickly pulled his clenched fists out of his pockets” and yelled, “Man, fuck you! I ain’t gotta do this shit!” Believing he was potentially assaultive, the deputies tased him and the suspect immediately fell to the ground, face down. As they handcuffed him, the suspect placed his left hand under his body, yelling profanities. Then they tased him again and handcuffed him. According to a witness, the suspect was standing in his grandmother’s front yard when deputies drove up, told the suspect to freeze and put his hands up. The suspect said, “I didn’t do nothing.” When asked whom the bag belonged to (it belonged to one of the suspect’s cousins), the suspect said, “That ain’t mine.” Then one of the deputies tased the suspect. The suspect’s cousins and grandmother “went to the front door and watched as unknown deputies tased [the Suspect] again.” He was arrested and charged with misdemeanor resisting/obstruction and was later convicted of that charge. Although the force was found to be in-policy, the supervisor conducted a debriefing to discuss tactical issues.

- In Palmdale, five officers were called to respond to a loud party. At the party, they ordered a Hispanic male, age 18, to leave. He refused. Deputy #1 grabbed the suspect’s hand. The suspect pulled his hand away and began to run. Two deputies chased him, caught up with him, grabbed his arm and “took the susp [sic] to the ground.” The suspect got up and “assumed a fighting stance.” Deputy #2 then tackled the suspect, another held down his legs, and two others handcuffed him. Though the suspect was charged with §69, it was downgraded to §148(a)(1), of which he was convicted.
- Deputies from Transit Services responded to a report of two men fighting and came upon two black men struggling with each other. They were ordered to stop, but of the two suspects did not comply and approached the deputy in “angry and threatening manner.” He was repeatedly asked to stop and turn around but continued to advance with “a focused stare and clenched fists.” Afraid he would be attacked, the deputy struck the suspect twice on the leg with his baton, to no effect. Another deputy was flagged down by citizens; he

responded and attempted to apply a carotid restraint, but failed. Nonetheless the suspect was taken to the ground and handcuffed. He continued to struggle and was hobbled, sustaining bruising on his elbow. Although arrested on a charge of felony obstruction, eventually charged with and convicted of disturbing the peace. A second drug-related charge was dismissed or not prosecuted.

#### 6. Suspect's Highest Level of Resistance

To try to get a better sense of the incidents as a whole, we categorized each incident according to our assessment of the suspect's "highest" level of alleged resistance. We did this by ranking each type of resistance in the following general order: noncompliant, uncooperative, physically resisting (tensing, twisting, or pulling), aggressive, combative, struggling (defined as fighting or striking at officers while engaged in physical resistance), and assault. Although this order is not exact, most suspects had just one or two types of resistance, making ranking on a case-by-case basis relatively simple. The following charts show the breakdown of suspects' highest level of resistance by original arrest charge and, for adults, by ultimate conviction.<sup>80</sup>

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<sup>80</sup> As noted in the previous chapter, we were only able to obtain court dispositions for adult defendants from the Los Angeles Superior Court. As such, the total number of suspects in each resistance category is significantly reduced in the conviction chart. Readers should note that the two charts are based on different scales.

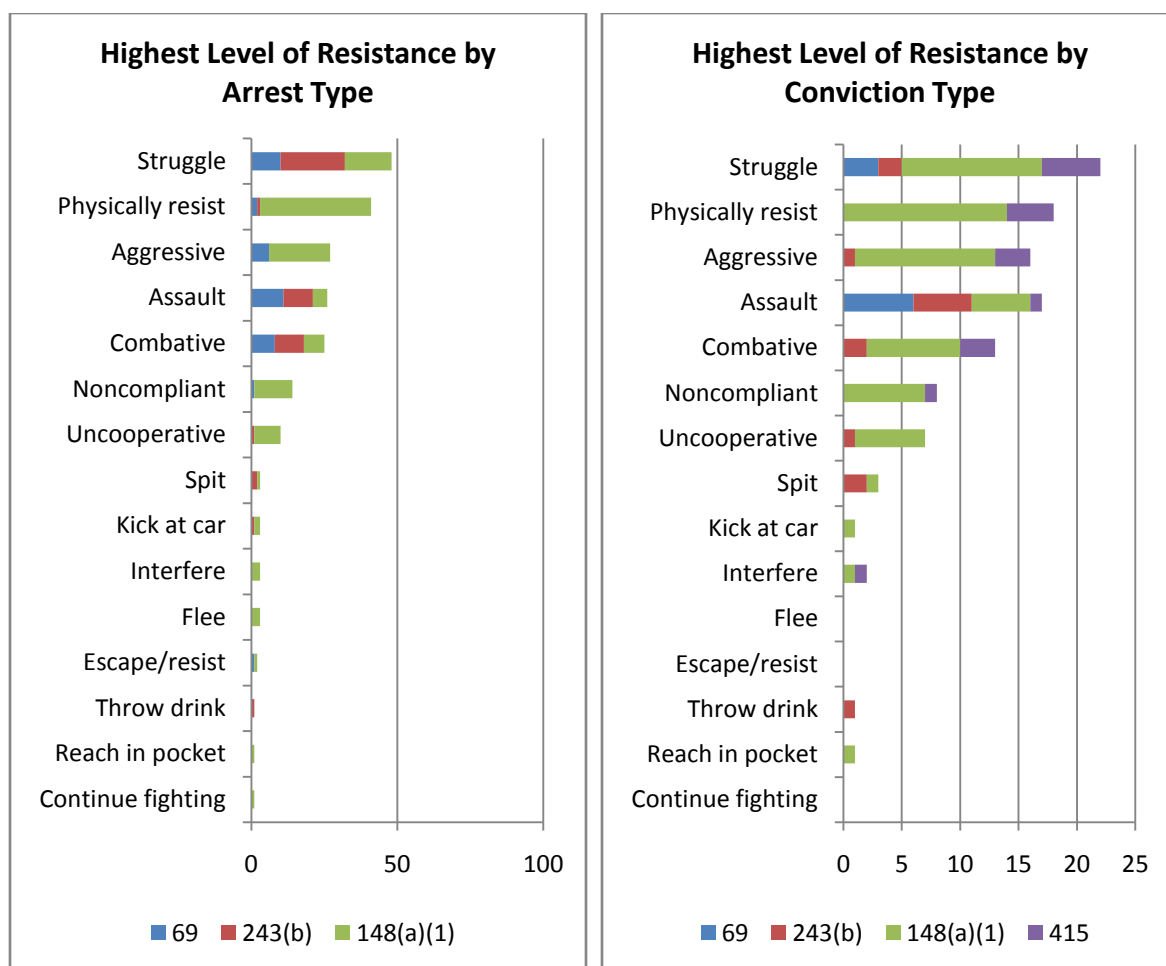


Figure 2.11: Highest Level of Suspect Resistance by Arrest and Conviction Type

Interestingly, the first chart shows that for the more serious types of resistance, including incidents where the suspect actually struck or otherwise assaulted the deputy, could result in any one of the three charges, reflecting the gradations of intent and result in each of the categories. For example, a person who strikes a glancing blow while flailing his arms can and should be treated differently than someone who deliberately punches or kicks the officer.

We found it particularly interesting that, in terms of convictions, the only suspects who were convicted of felony obstruction, which is categorized as a Part I assault, were those who actually assaulted the officer—by biting or headbutting, for example—or who engaged in a struggle. In fact, of the three suspects who engaged in a struggle, one took a deputy’s baton away from him and threw it away, and another threatened to shoot the deputies, significantly escalating the threat level for the officers. As noted in the last chapter, a person can be convicted

of felony obstruction for using the threat of force, along with actual force. Of the nine suspects convicted of a felony, all but one were also arrested on that charge. That suspect, a white man, bit the deputy during a disturbance incident where he was being removed from a taxicab. It is not clear why he was originally charged with misdemeanor resisting/obstruction rather than felony obstruction or even misdemeanor battery. It is notable, however, that he was the only white adult in the sample convicted of felony obstruction.

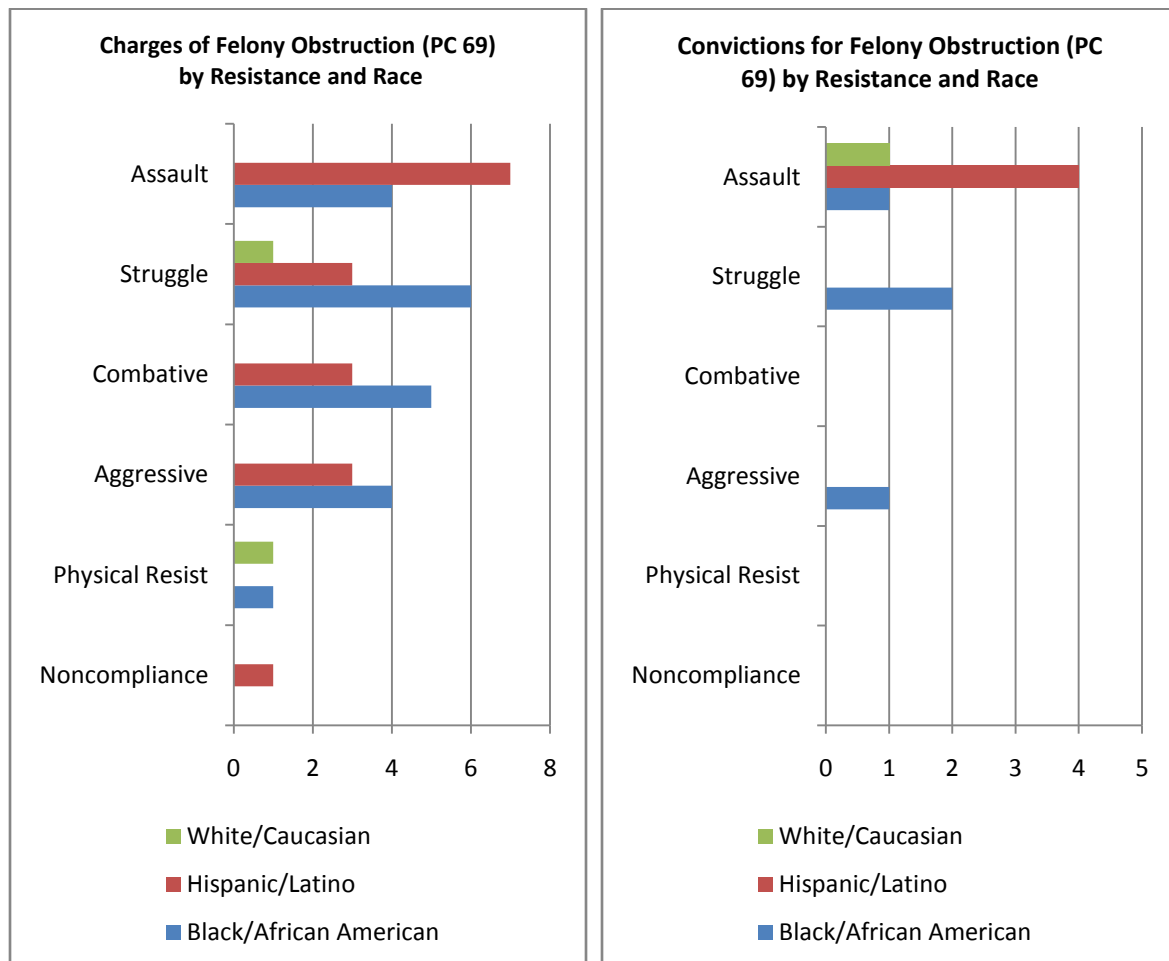


Figure 2.12: Charges and Convictions of Felony Obstruction by Resistance and Race

## 7. Other suspect behavior

In reading through the incidents, we found that, of all the obstruction suspects against whom force was used, the account specifically noted that about 37 percent were belligerent or argumentative and 15 percent used profane or otherwise abusive language. (This is probably a conservative estimate, as most descriptions

focused primarily on the physical behavior of the suspect.) In all, we noted that about 26 percent of suspects exhibited what we would term “contemptuous” behavior – rudely ignoring the officers’ requests or making disrespectful remarks—that likely had at least some impact on the officers’ decision to contact the suspect or initiate or escalate their use of force. Along with the several incidents that we have previously mentioned, they include:

- As Palmdale deputies drove past a black male walking, he yelled, “Fuck you you stupid motherfuckers.” The deputies took a U-turn to see where he was going, and witnessed him crossing against a flashing hand signal and going into a convenience store. When they approached him to cite him for the traffic infraction, he was belligerent and said “fuck you bitches” and was generally uncooperative. According to deputies, though they told him to stop, he took a “fighting stance.” He was then sprayed with OC Spray, taken into a control hold, handcuffed, and arrested for misdemeanor resisting arrest/obstruction, and was later convicted of that charge. In reviewing the force case, the supervisor questioned whether the deputies should have stopped the suspect in the first place.
- Norwalk Deputies responded to a call about several minors “hanging out, drinking, and urinating in public.” Some of the subjects began to call the deputies names, including “pigs” and were otherwise being uncooperative. A deputy grabbed the subject who was being loudest and who seemed to be inciting the other youth and began to handcuff him. The subject then turned, moving his face “into the cuff,” resulting in a small cut. He was booked for misdemeanor resisting/obstruction.
- During a battery investigation at a fight call in Carson, deputies were detaining a black juvenile when his brother—who was later discovered to be schizophrenic—approached them and began yelling obscenities such as “Fuck you bitch ass! Let him go!” Due to this “assaultive” behavior, one of the deputies then grabbed the subject’s arm and placed it behind his back. When he tried to spin away, he was put into a control hold and taken to the ground. He was then arrested and put in the back seat and continued to yell, saying “Fuck you all, pigs!” He received a laceration on his lip as a result of the

altercation, which he said he sustained when he bit his own lip as he was being taken to the ground. According to the suspect, he had discontinued his initial advance when one of the deputies pulled her gun on him, after which he was “slammed” to the ground. Due to malfunctions with the recording equipment, supervisors were not initially able to interview any witnesses,, who were later unavailable. Such interviews, however, should not be postponed, and alternate recording equipment should have been used.

- A Lancaster deputy saw an African-American man throw a bottle on the ground. He asked him to come over to the patrol car to warn him with the violation but the suspect refused, saying “Fuck you” and pulling out his cell phone to make a call. He also exhibited “clenched fists” and a “combative stance” and was generally belligerent, so the deputy used control holds to place him under arrest. The suspect was charged and convicted of resisting/obstruction.

Some of the clearer cases of suspects exhibiting such contemptuous behavior arise when the person is approached in public by the officer, particularly when the violation is minor. Reviewing officers should ensure that officers are reasonably responding to disrespect or uncooperative behavior during otherwise benign traffic infractions, calls for help, or other contact with civilians. It seems that in many of these incidents, the officers had probable cause to stop an individual but the incident—and sometimes the use of force—escalated quickly when the officer was faced with a resistive individual, oftentimes because the individual could not understand why he or she was being stopped in the first place. Incidents that might not normally result in an arrest or even police contact, such as the case where the suspect had crossed against a flashing hand signal, should be very carefully scrutinized (as it was in this case) to see whether the incident should or could have been avoided by using a different approach or simply ignoring disrespectful behavior, if appropriate. In such cases, the use of amorphous terms such as “combative stance” also merit a more careful review.

We also note that minors are often the perpetrators of some of the more egregious instances of dismissive or verbally abusive behavior. We recommend that supervisors take special care to review misdemeanor obstruction-related cases

where the suspect is young, particularly a minor. Young people may be unfamiliar with legal processes and expectations, afraid of getting in trouble with parents or having contact with the police, or more likely to show “attitude” in dealing with law enforcement. We do not mean to suggest that minors are never dangerous or violence-prone; officers do have to be on their guard to minors with respect to minors as well as adults. Nonetheless it is important not to presume that a questioning or disrespectful attitude on the part of a minor necessarily suggests that the individual is about to turn violent. Force against minors should be very rigorously evaluated in terms of tactics and policy, particularly in cases where the suspect contact with them escalates due to disrespectful behavior.

#### ***D. Force used***

The following chart shows the percent of incidents involving each of the major force categories by the type of arrest. Control holds—which include the use of a control techniques and takedowns—were by far the largest category, and were used in at least three-quarters of every type of arrest. Simple restraints—including resisted handcuffing, and legs-only hobbles—were also used in a large proportion of arrests. These categories of force, as well as OC spray, are classified as less significant unless there is a reported injury or complaint of pain. For all of the other categories, which include more serious uses of force ranging from personal weapons and OC spray to the use of tasers and impact weapons, we see that the proportion of cases where that type of force is used rises with the seriousness of the charged offense. For the impact weapons category, we see one misdemeanor resisting/obstruction case, which is surprising considering the charge. In that case, deputies escalated the force used on an unruly suspect—who was “waving his arms wildly and yelling at the deputies”—from OC spray to the taser to a baton to a TARP (Total Appendage Restraint System). While the summary notes that he was “advancing” on them, it seems that a suspect threatening enough to be subjected to such serious uses of force would have been arrested on a more serious charge.

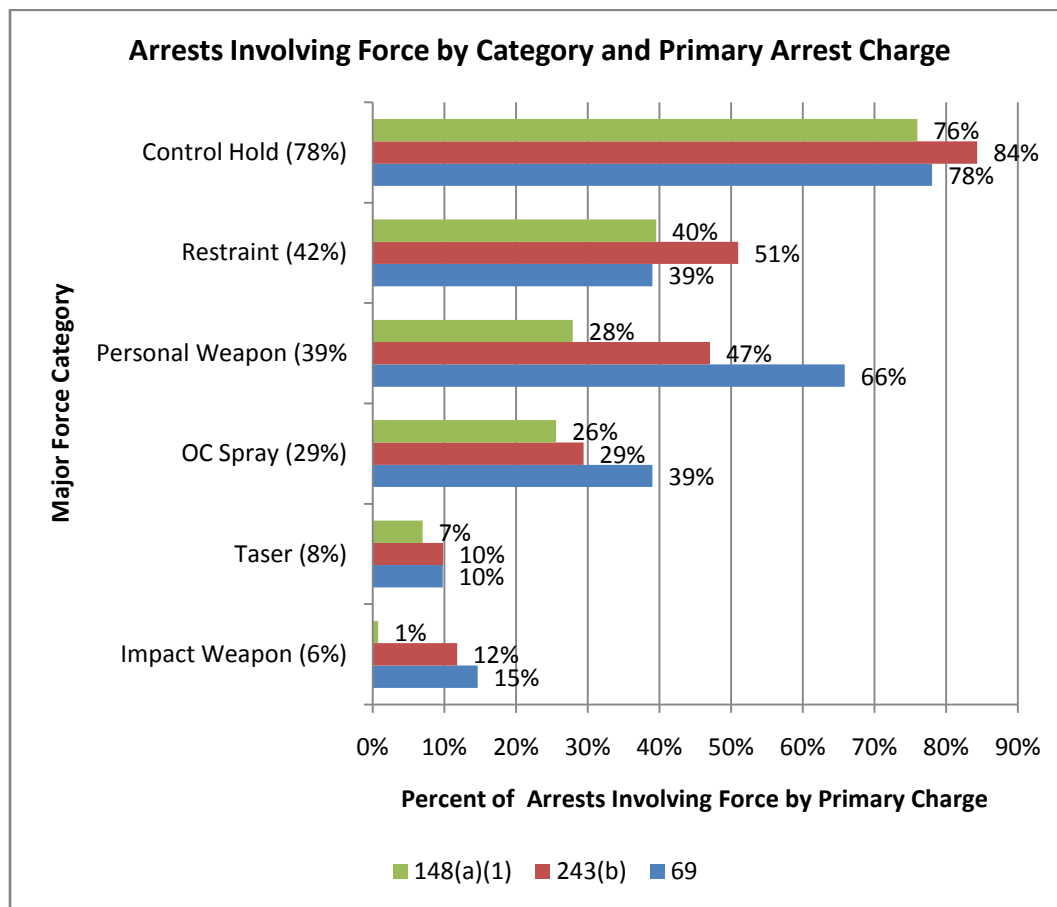


Figure 2.13: Arrests Involving force by Category and Primary Arrest Charge

The next chart breaks down the types of force into more specific categories.



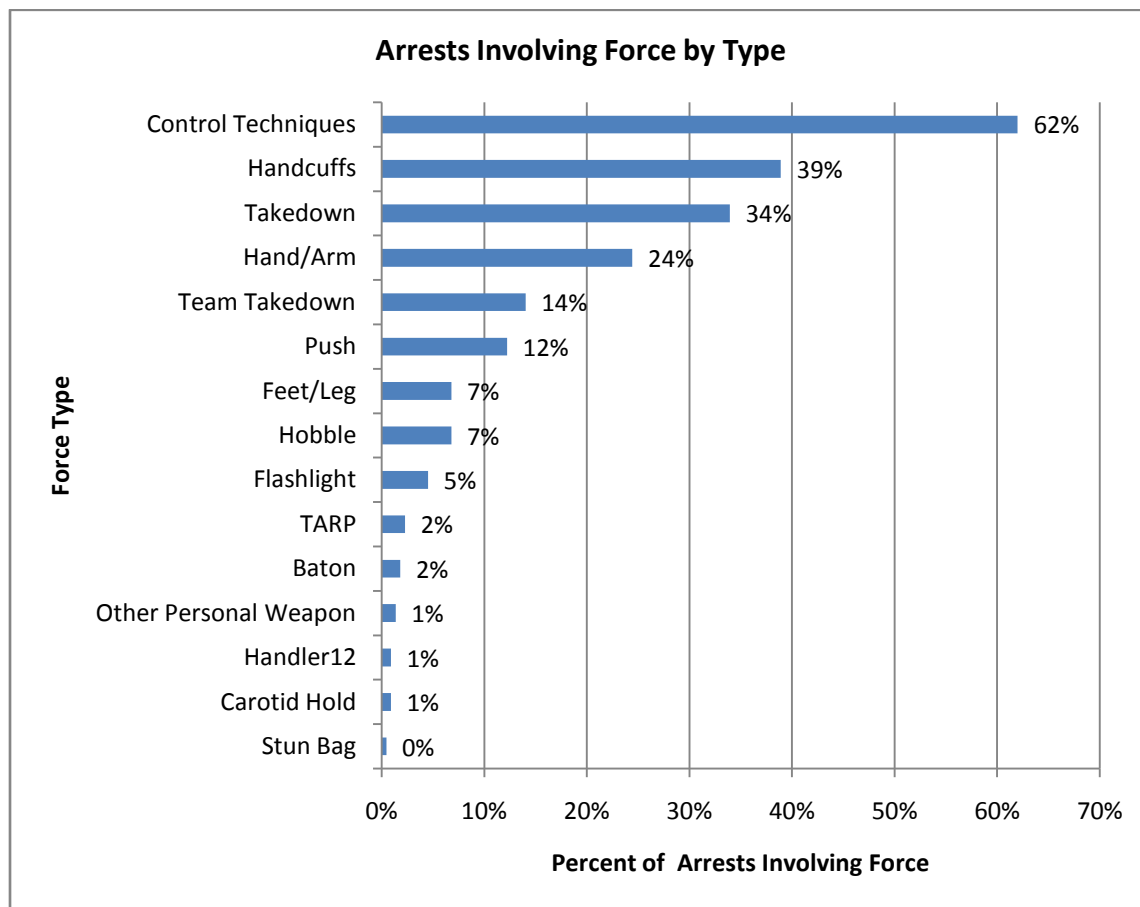


Figure 2.14: Arrests Involving Force by Type

Along with charge level, we also looked at the use of various types of force by race to see whether there were any notable differences and found no significant differences among the races, as shown below. There were, of course, some small variations—Latino suspects were less likely to have OC spray used against them than other groups, while whites were less likely to be shocked with a taser—but there are no clear patterns in terms of the severity of force used.

Unit/Station	Carotid	Impact Weapon	Taser	Personal Weapon	OC Spray	Restraint	Control Hold
Palmdale (25)		8%		40%	28%	31%	77%
Lancaster (24)		4%	13%	21%	38%	50%	60%
East LA (18)		12%	12%	47%	18%	59%	76%
Century (17)				50%	31%		100%
Lennox (15)		7%	7%	53%	53%	25%	50%
TSB (15)	7%	7%	7%	40%	27%	25%	75%
Lakewood (13)		8%	8%	23%	46%	50%	100%
Santa Clarita (12)			17%	58%	17%	38%	81%
Norwalk (11)			10%	20%	20%	24%	88%
Compton (10)				40%	10%	25%	79%
Industry (9)				50%	13%	60%	100%
West Hollywood (9)			11%	22%	33%		100%
Carson (8)		14%		71%	29%		100%
Temple (6)				67%	17%	60%	60%
Pico Rivera (6)		33%	17%	33%		60%	80%
Walnut (6)			33%	33%	17%		33%
Altadena (5)	20%	20%	20%	60%		57%	100%

Table 2.2: Force Used by Percent of Incidents at Station

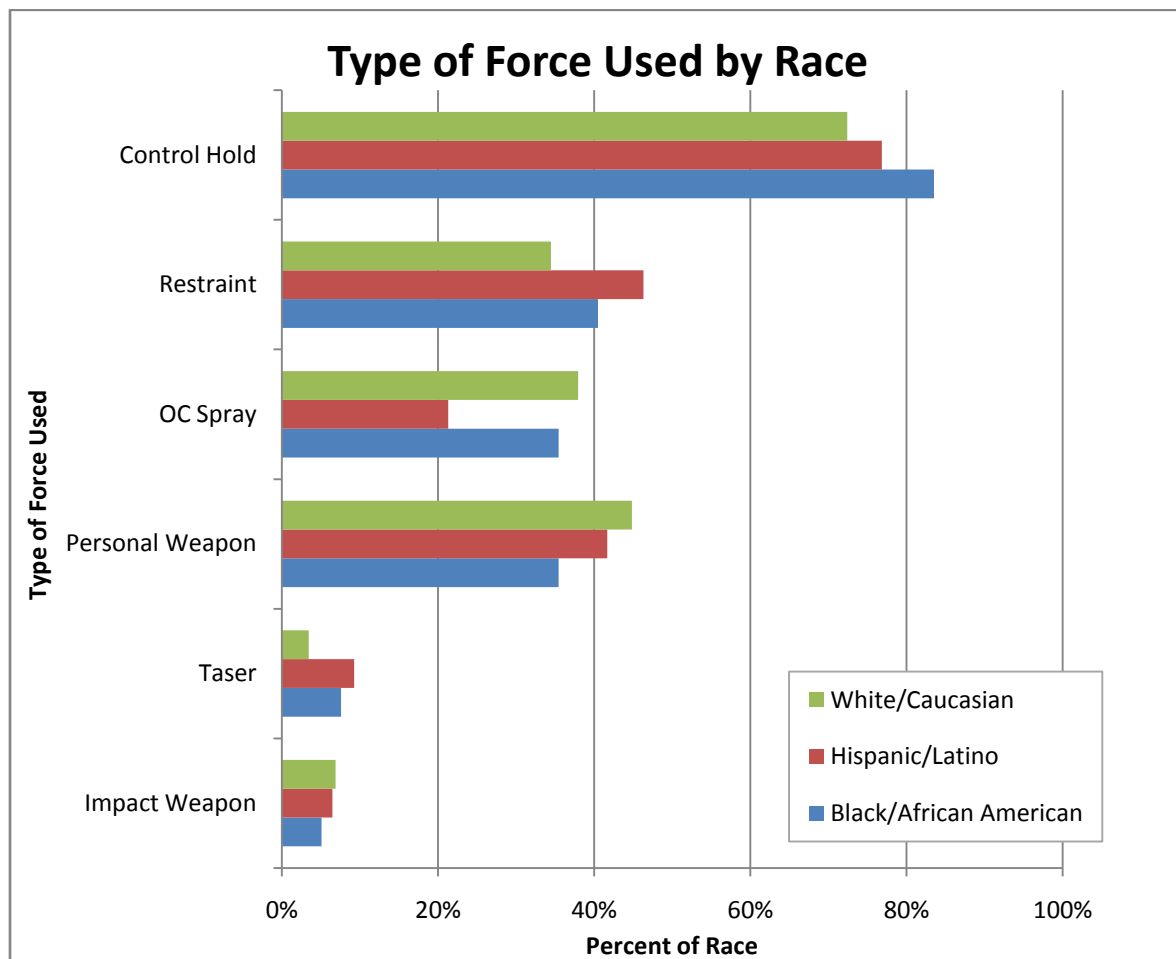


Figure 2.15: Type of Force Used by Race

Finally we looked at types of force by station, as shown in the following chart (includes only stations with five or more uses of force).

We found that in the more serious categories:

- Seven stations (Carson, Temple, Altadena, Santa Clarita, Lennox, Industry, and Century) used personal weapons more than 50 percent of the time, while only one station (Lennox) used OC spray more than half the time.
- Most stations used tasers 20 percent or less of the time, and six stations reported no use of the taser whatsoever, including Palmdale, the station with the most uses of force. Whether this is due to deployment differences or simply that tasers are rarely used at some stations is not clear.

- A little less than half of the stations with five or more uses of force reported no uses of an impact weapon. Only four stations used them more than ten percent of the time.

## E. Injury

We then looked at the proportion of arrests where an injury, including a complaint of pain, was reported. About 53 percent of all obstruction-related uses of force involved at least one injury, including complaint of pain. The most common reported injury, for each category, was a complaint of pain, followed by abrasions and puncture wounds (from a taser). In general, the proportion of each type of injury rose with the seriousness of the charge, although abrasions were more common in battery cases than in felony obstruction cases. Bruises showed up quite often—relatively—for felony obstruction cases as well. Nonetheless, each type of injury occurred in less than about one-third of each charge. Only abrasions and complaints of pain occurred more than 10 percent of the time, and fractures (only one case) and lacerations were quite rare. We should note, also, that the “human bite” listed here refers to the case, summarized earlier, where the suspect bit his own lip. It might better have been categorized as a laceration.

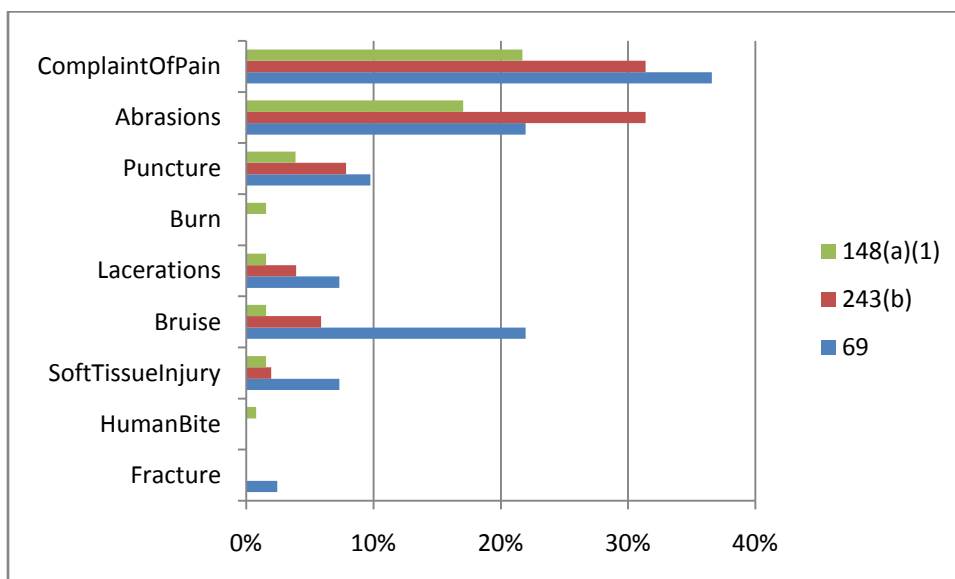


Figure 2.16: Type of Injury by Arrest Charge

We looked at the proportion of cases involving each type of force to result in injury. Because some incidents involve more than one use of force, however, we

cannot say for certain which technique caused the injury. Arrests involving impact weapons were the most injurious, with all of them resulting in at least a complaint of pain. Arrests involving TARPs also produced a high rate of injury, with about 80 percent of those cases involving at least one injury. This is likely not the result of the TARP itself, which is generally used as a last resort against uncontrollable suspects, but of the contact or force that came before. Of lower-level types of force, cases involving team takedowns had the highest injury rate with about two-thirds of all such case involving an injury.

#### ***F. Supervisor Review***

While we did not systematically review all of the use-of-force review packages to evaluate the assessment of the incident by the reviewing supervisor, we did read those summaries in the great majority of cases, and looked at all available reviews for uses of force that involved a taser or impact weapon. In general, most of the reviews approved the use of force in terms of Department policy as well as in terms of the legal standard. We came across five cases that, because of their relatively serious level of force or injury, were referred to the Executive Force Review Board, which meant that the force package and ultimate result was not listed in the PPI. Even in these cases, however, the final force package should nonetheless be listed in the file.

Of all the cases that we looked at, we came across only one that contained an indication that the supervisor's assessment found that the use of force was not in keeping with LASD policy.<sup>81</sup>

- The Pico Rivera station received a call at 5:25 PM that two Latino males were in the process of breaking into a white tow truck and that a white Cadillac was double-parked next to the truck. A Latino deputy arriving at the scene observed males and vehicles matching this description. He believed that a theft was occurring. While waiting for back-up to arrive, the deputy detained one of the males at gunpoint and commanded him to put his hands in the air. Suspect #1 refused to put his hands in the air, told the deputy to “fuck off,” laughed

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<sup>81</sup> This incident is an example of a case where the PPI synopsis was woefully inadequate: “Deputies used personal weapons and a taser to control [the suspect].”

and danced while talking to the second suspect, seated in the tow truck. After back-up arrived, Suspect #1 was searched but refused to be handcuffed. Once forcibly handcuffed, Suspect #1 tried to kick the deputy; in return, he was tased in his lower back. Injuries included two puncture wounds from the Taser as well as an abrasion to the left shoulder and the top of his head. The suspect was escorted to the patrol car. Both suspects were arrested on obstruction charges. It was later determined that the suspects repossessed cars for a living and were legitimately trying to remove their vehicles. According to Suspect #1, he remembered the deputies suddenly pulling up and telling him to put his hands up. He put his hands up, turned around and was shot by a Taser. When asked if he received orders to keep his hands up, the second suspect explained that he already had his hands up and was trying to tell the police that he they were “repo-men.”

The Watch Commander’s review of this incident noted that “the tactics used in this incident are cause for concern.” The deputies could have ordered Suspect #1 “to the ground in a fully prone position.” Secondly, although the situation was tense, it was not “assaultive/high risk” — the type of situation that justifies use of a Taser. “The justification to use a Taser on a handcuffed suspect is limited to cases of extreme emergencies. In light of all the information supplied by the involved personnel, other options, such as pepper spray, a takedown, or additional cover deputy to assist in escorting the suspect back to the radio car, should have been employed in this incident.” The suspect was convicted of misdemeanor resisting/obstruction.

Along with this case, we came across 30 additional cases where the supervisor’s review listed concerns about tactics, whether about the type of force used, the approach of the suspect, or taking action without waiting for backup.

Overall, we found the use-of-force reviews to be relatively comprehensive, particularly those where significant force was used. These reports contained full summaries of accounts from each involved and witness officer and civilian as well as an assessment of the appropriateness of the level of force used according to the LASD’s force options chart and in terms of objective reasonableness.

We do note, however, that few of the reports that we examined looked comprehensively at the entire incident, including why and how the person was stopped, in considering whether the force was appropriate. Because obstruction arrests differ from the usual case, where the suspect is accused of a crime with some ostensible evidence, the actions taken by involved officers make up an important part of the encounter. While officers have a great deal of leeway in terms of when they can stop, search, and detain citizens—and the right of those citizens to resist a lawful order is limited—they should still approach such encounters with an eye to reducing the potential for force and, where possible, arrest. We suggest, thus, that supervisors explicitly consider the tactics and approaches of obstruction incidents as part of their review.

## **Conclusion**

Our assessment of these incidents mirrored, in many cases, the findings of the Cambridge Review Board on the subject of the Gates incident; namely, that the arrest could have been avoided had one or both parties made an effort to de-escalate the incident. We found that, in most cases, the subject of the arrest set the tone for the incident by being disrespectful or disobedient and by refusing to follow direction. The low level of justification for a detention or a frisk (and the high likelihood that it will be unproductive and not lead to an arrest) means that innocent persons will be left frustrated and angry after the encounter with the deputy.

We agree with the Cambridge Review Board that the subject's response is, in many cases, an issue of "procedural justice," where he or she feels that he is being singled out unfairly or treated disrespectfully. While officers have significant leeway in conducting detentions and searches on the basis of reasonable suspicion, the reason for such suspicion or the legitimacy of the action may not be clear to the suspect and simply barking orders or making physical contact may result in avoidable resistance or a struggle. To be sure, citizens should generally be courteous to the police and follow simple directions. Nonetheless, officers should work to balance their safety needs with courtesy and a respect for the suspect's perception of the situation and make an effort to avoid or limit the use of force. The Department should continue to emphasize tactical communication in such

situations and to use the force review process as a mechanism for determining whether the use of force—and, if appropriate, the attendant arrest—could have been avoided through the use of better communication or tactics.

The nature of our sample prevented us from making a full assessment of the prevalence of cover charges. We were only able to review in detail cases where force was used, which excluded most cases where the subject may have been arrested based only on their verbal actions or general disobedience. We also relied primarily on the deputies' version of the story: Although interviews with the suspect and civilian witnesses were generally included in the force package, we were not able to make a credibility assessment based on the information provided. Finally, it was not clear, in every case, at what point the decision to arrest was made or what that decision was based on. Because several suspects escalated their resistance while being patted down, escorted somewhere, or restrained, it was difficult to distinguish which behavior ultimately resulted in the arrest. **We recommend that the LASD follow Seattle's example and require officers to explicitly explain what action was being obstructed or resisted as part of their report. We also encourage supervisors to critically review cases where the suspect is described as exhibiting a particular stance or making movements that can be open to interpretation, particularly when there is no other physical resistance.**

Even given these constraints, there were at least a few arrests that we interpreted as having a significant "contempt-of-cop" component, although we would not necessarily categorize them as illegitimate arrests. Because officers are given a great deal of discretion in such incidents, it is important that they be held to a standard that values professionalism, the minimizing of force, and the clear and appropriate articulation of the reason for their actions.



### **3. Hate Crimes**

#### **Introduction**

In this chapter, we examine how the Los Angeles County Sheriff's Department ("LASD" or "Department") identifies hate crimes, investigates them on the streets and in the jails, and educates its own officers and the community to recognize and prevent them.

We found that certain units, particularly the Hate Crimes Task Force ("HCTF"), consistently performed thorough investigations of hate crimes. We commend them for their performance. In contrast, other stations, particularly in the northern part of Los Angeles County, performed less well, with inconsistent classification of cases and misidentification of hate crimes, incomplete hate crime files, and a lack of reasoned analysis. We recommend therefore that all stations include an analytical section in every hate crime investigative report. This analysis not only aids a detective to connect the pieces of a case and determine that all investigative work has been completed: it also is useful when a Deputy District Attorney decides whether to file a case. If all Department hate crime reports had such analysis, it seems likely that there would be fewer District Attorney rejections of hate crime filings.

We found that the LASD does a poor job with hate crime complaints by jail inmates. We strongly recommend better accountability and supervision of jail hate crime investigations. We recognize that in many cases, a prosecution of a jailhouse hate crime charge is unlikely: Victims and witnesses are hesitant to identify suspects or talk for fear of retaliation; victims are not always desirous of prosecution; and victims, witnesses, and suspects are constantly leaving the jails for state prisons or the streets, thereby making a prosecutor's search for witnesses difficult. Nonetheless, it is critical that the Department's Jail Investigation Unit gather data more systematically and better supervise investigations of jail hate crimes currently is the practice.

We also found that the LASD is failing to provide continuing education about hate crimes to officers once they leave the Academy. Contrary to a statement on the

Department's website that "[t]he Department's Hate Crime Coordinators meet several times throughout the year to share information" and that HCTF "facilitates training for law enforcement in the form of seminars,"<sup>82</sup> there is no hate crime training of any type or at any level in the Department, after graduation from the Academy. We therefore recommend a mandatory one-hour hate crime refresher course during the two-week Patrol School that occurs when an officer transitions from his or her initial multi-year assignment in the jails to an assignment in Patrol. We believe this brief instruction is necessary to refresh the new patrol officer's understanding of how to identify hate crimes and interact with victims. In addition, HCTF should coordinate semi-annual in-house trainings to refresh station hate crimes liaisons and training sergeants about hate crimes, who in turn should relay the information to officers at the stations.

The Share Tolerance Program, devised and instituted by Chiefs Neal Tyler and Cecil Rhambo, combats hate crimes proactively in Los Angeles County. The program's mission—to develop leadership about tolerance among high school students—is conveyed through a combination of a uniformed deputy sheriff, a facilitator, a film, and a trailer. When led by an experienced presenter, this program is an exceptionally effective way to share the values of tolerance. We commend the two Chiefs for this outstanding program. Yet we note that the program is only as strong as its best facilitators. Though some deputies may have good intentions and a willingness to facilitate, these qualities are not enough. Without corresponding charisma and personal experiences in confronting intolerance, facilitators may not reach the students and the message of the program can be impaired.

## **I. The Hate Crime Task Force**

### **A. The Creation of the Hate Crime Task Force**

Before 2001, the Department handled hate crime investigations solely at the station level, without significant oversight. On January 23, 2001, Sheriff Lee Baca formally established HCTF in the wake of a 1999 shooting at a Los Angeles Jewish

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<sup>82</sup> <http://www.lasd.org/sites/hate-crime/hate-crime.htm>.

community center.<sup>83</sup> A few months later, in April 2001, HCTF took control of all hate crime cases within the Los Angeles Sheriff's Department's jurisdiction. The rationale for this shift was that hate crime cases generally require more investigative time than other cases because they are specific-intent crimes with substantial burdens of proof. Also, hate crimes require a highly trained and experienced team of investigators. Moreover, a victim's community often feels as vulnerable as the victim in the wake of a hate crime. In addition to handling the caseload, HCTF must be a community resource, speaking at community meetings on hate crimes and providing a public face for the Department.<sup>84</sup>

In 2005, the Federal Bureau of Investigation (FBI) initiated and the Department joined the Joint Hate Crime Task Force, created to identify all hate crimes possible to prosecute federally. In 2008, this effort was renamed the Joint Hate Crime Human Trafficking Task Force, and its jurisdiction expanded across all of Southern California.

Also in 2005, HCTF was restructured and placed under the aegis of Operation Safe Streets Bureau.<sup>85</sup> Its staff was decreased from eight officers (a lieutenant, a sergeant, and six detectives) to its current makeup of one lieutenant, who also oversees Operation Safe Streets, and two detectives, currently Detectives Christopher Keeling and Daniel Zumer. The two detectives generally divide hate crime investigations by the Department's north and south jurisdictions. Both detectives sit on the FBI's Joint Task Force, which meets weekly. The detectives maintain a database of hate crimes, investigate hate crimes, monitor hate crime cases investigated by stations, and attend community events when invited.

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<sup>83</sup> "[W]hite supremacist Buford O. Furrow, Jr. walked into the lobby of the North Valley Jewish Community Center in [Granada Hills](#) and opened fire with a semiautomatic weapon, unloading 70 shots into the complex. The gunfire wounded five people: three children, a teenage counselor, and an office worker. Shortly thereafter, Furrow murdered a [mail carrier](#), fled the state, and finally surrendered to authorities." Wikipedia; see also <http://archives.cnn.com/2001/LAW/01/24/furrow.plea.crim/>.

<sup>84</sup> <http://lasdhq.org/sites/YIR/2001/visuals/2123.pdf>.

<sup>85</sup> <http://www.lasd.org/sites/yir9600/yir2005/8X9.pdf>.

## **B. Hate Crime Task Force Responsibilities**

### **1. Hate Crime Intake**

A hate crime is an act intended to frighten, harm, injure, intimidate, or harass an individual because of a bias motivation against the actual or perceived race, religion, ethnic/national origin, sexual orientation, gender, or disability of that individual.<sup>86</sup> Not all expressions of hate or group bias rise to the level of a hate crime as defined by law. Hateful speech, unaccompanied by a threat of harm or an ability to carry out the threat, is constitutionally protected speech and is deemed a hate incident.<sup>87</sup> The Department tracks both hate *crimes* and hate *incidents*.

When a hate crime or incident is reported, a patrol officer responds to the scene, determines if a hate crime occurred, and writes an incident report. Upon returning to the station, the station secretary enters the data into LARCIS<sup>88</sup> with a hate crime statistical code and is supposed to fax a copy of the incident report to HCTF. If a copy is not faxed, HCTF should later discover the incident through weekly LARCIS searches for hate crime statistical codes.<sup>89</sup>

HCTF reviews each Department hate crime and hate incident case for appropriate investigation on a weekly basis. According to a proposed revision of Hate Crime Field Operations Directive #01-05, and as is already Department practice, HCTF no longer investigates all hate crimes committed within the Department's jurisdiction. HCTF decides which cases they will investigate and which ones they will leave at the station. Stations handle slightly more hate crime investigations than HCTF. From 2007-2009, stations handled 53 percent of hate crime investigations while HCTF handled 47 percent.

Generally, HCTF will take over an investigation from a station when (1) a case is high profile; (2) victims or witnesses are spread over a wide county area; or (3) the case potentially involves federal issues or touches on information the FBI Joint

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<sup>86</sup> See <http://www.lasd.org/sites/hate-crime/hate-crime.htm>.

<sup>87</sup> See <http://www.lasd.org/sites/hate-crime/hate-crime.htm>.

<sup>88</sup> "LARCIS" stands for Los Angeles Regional Crime Information System. LARCIS houses records of all LASD incidents or events resulting in a report and serves as the Department's Records Management System.  
[http://www.lasdhq.org/lasd\\_contracts/RMS\\_RFI\\_Final.doc](http://www.lasdhq.org/lasd_contracts/RMS_RFI_Final.doc).

<sup>89</sup> HCTF discovers approximately 25 percent of hate crime cases through weekly LARCIS searches.

Task Force is already working on. If a hate crime involves a gang, a station gang unit will generally handle the investigation with HCTF providing assistance. If HCTF does choose to exercise its option to take over an investigation from a station, the station detectives close out the case on the station docket and note that it has been reassigned to HCTF.

## 2. Hate Crime Data Reporting and Collecting

When a hate crime occurs, the station watch commander or station hate crime liaison writes a synopsis of the incident, known as the “Chief’s Memo.” It is sent to the Chief of the region and a copy is forwarded to HCTF. The Department’s Crime Assessment Center provides a monthly hate crime statistical report to HCTF, the lieutenants of each station, and the chiefs of the three regions, based on data originally provided by HCTF. The report typically includes the number of hate crimes that occurred and which stations reported the highest numbers. The HCTF Lieutenant uses this report to write a monthly executive summary, highlighting the hate crime trends for the month. This executive summary goes to Cecil W. Rhambo, Jr., Chief of Field Operations Region II and Operation Safe Streets. Chief Rhambo forwards the report to Assistant Sheriff Paul Tanaka. The memo acts to inform Department personnel of hate crime activity and statistics but does not generate additional activity.

Beginning in 2006, HCTF made a concerted effort to ensure that stations were entering statistical codes for hate crimes. Before 2006, a patrol officer responding to a hate crime would enter a statistical code for the underlying crime (e.g., assault, vandalism) and only mention the hate crime in the description field. There was no systematic tracking of hate crimes. Now, all hate crimes receive a statistical code, describing the type of hate crime (e.g., religion, race, sexual orientation), in addition to a statistical code for the underlying crime. By doing this, HCTF can track the number of hate crimes being entered into LARCIS and follow up on the investigations.

Another key function of HCTF is to ensure that the Department accurately and consistently reports its hate crime data to the Los Angeles County District Attorney’s Hate Crime Unit, which annually provides hate crime statistics to the

California Department of Justice. In the course of our research, we learned that for years the LASD had neither been sending hate crime data regularly nor sending the data to the right person in the District Attorney's Hate Crime Unit. It seems that the LASD was faxing reports to an individual who had left the District Attorney's office. After learning of this, HCTF got in touch with the LASD Operations Division and, as of March 2010, the District Attorney's Hate Crime Unit confirmed to us that the LASD is once again sending regular and consistent hate crime data to the right person.

### 3. Hate Crime Training

As described in the introduction, there is no hate crime training of any type or at any level in the Department after graduation from the Academy. At present, all Department recruits learn about hate crimes at the Academy, where they have a requisite four hours of hate crime training as part of the 16 hours state-mandated training on Cultural Diversity/Discrimination, out of 560 minimum hours of instruction.<sup>90</sup> This state-mandated instruction, created by POST,<sup>91</sup> includes recognizing, classifying, and investigating hate crimes, learning the legal rights and remedies available to hate crime victims, and understanding the impact of hate crimes on victims, their families, and communities.

After the Academy, recruits traditionally spend three to four years in Custody Services, after which they become patrol officers. Between working in the jails and assignment to the streets, officers spend two weeks in a refresher course, called Patrol School, in which they review all duties of a patrol officer. There is no review of hate crimes in Patrol School.

Likewise, patrol officers must complete 24 hours of in-service training every two years, provided by station training sergeants as part of mandatory training. There is currently no instruction on hate crimes as part of in-service training. We questioned Training Sergeants at several different LASD stations about whether hate crimes were addressed in Department newsletters or briefings. They

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<sup>90</sup> [http://www.post.ca.gov/Training/bt\\_bureau/TrainingSpecs/Regular.asp](http://www.post.ca.gov/Training/bt_bureau/TrainingSpecs/Regular.asp).

<sup>91</sup> "POST" stands for "The California Commission on Peace Officer Standards and Training."

conducted research and were unable to locate an annual newsletter or briefing discussing hate crimes since 2000 (see Appendix).

In Supervisory School, which is a mandatory two-week training program for an officer who is promoted to a new rank, there is no refresher course on hate crimes. The instruction focuses on how to supervise others and is governed strictly by POST guidelines. The Department does not add any additional curriculum, such as hate crimes.

Finally, according to HCTF, when a station appoints a new Hate Crime Liaison, HCTF forwards a “liaison package” to the new liaison with hate crime materials, follows up with an introductory phone call, and regularly provides them with relevant material. However there is no formal training or refresher course provided to the new liaison.

In light of these findings, we have several recommendations:<sup>92</sup>

**First, we recommend a mandatory one-hour hate crime refresher course during the two-week Patrol School that occurs when an officer transitions from Custody to Patrol. We believe this instruction, though brief, should be sufficient to refresh a forthcoming patrol officer on how to identify hate crimes and interact with victims, without being unduly burdensome on the curriculum and resources of Patrol School.**

Training at this juncture between Custody and Patrol is critical because a patrol officer responding to a hate crime scene is the first to interact with a victim and determine whether a hate crime occurred. The patrol officer decides whether an incident receives a hate crime statistical code; this is one of the main avenues a hate crime is brought to the attention of HCTF if an incident report is not faxed. If that officer misidentifies a crime as a simple burglary because he or she does not remember non-obvious hate crime identifiers, the hate element in that crime can be

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<sup>92</sup> Some of these recommendations derive from discussions with Sergeant Don Mueller, LASD Lomita Station Operation's Sergeant and the individual responsible for all hate crime training at the Academy. We thank Sergeant Mueller for being helpful and informative.

lost forever. Thus, the repercussions of a poorly trained patrol officer are significant.

One former community leader we spoke with thought that LASD patrol officers may be unwilling or slow to acknowledge certain hate crime identifiers. For instance, R. Richard Ryan, when in his capacity as former Hate Crime/Domestic Violence Programs Coordinator for the Public Safety Department, City of West Hollywood, reviewed incidents where gay men were robbed and assaulted in West Hollywood by men they met on the Internet. In some of these instances, the first responding officers were quick to identify the crimes as robberies but did not look for indications that the robberies may have motivated by anti-gay hate as well. In some of these cases, according to Mr. Ryan, later questioning of the victim revealed possible hate motivation. A refresher on hate crimes could both help responding officers with identifying bias indicators and show the community that the LASD is responsive to this concern.<sup>93</sup>

**Second, HCTF should coordinate semi-annual trainings to refresh station hate crimes liaisons and training sergeants about hate crimes.** At these meetings, which could be conducted separately for each region, the topics could include comparing recent hate crime investigations or high-profile hate crime cases, analyzing data trends across the stations, brainstorming difficulties that have arisen in particular hate crime cases, and presenting expert guest speakers.

For comparison, the Los Angeles Police Department (LAPD) conducts quarterly hate crime trainings for all LAPD hate crime coordinators. The LAPD Hate Crime Division, based in downtown Los Angeles, organizes and leads the trainings. Each division or bureau brings one to two hate crime officers to the training, totaling in approximately 20 officers. At the training, which lasts about an hour, the officers discuss current hate crime trends across the divisions, analyze audits of the reporting process, and occasionally have a guest speaker. For instance, at the last

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<sup>93</sup> Other examples of topics that are useful in hate crime refresher courses are: remembering to use an interpreter where necessary; when interviewing victims, allowing a victim to use his or her own words, without jumping to conclusions; looking for whether a significant date was indicated (Hitler's Birthday, Cinco de Mayo, Martin Luther King, Jr. Day, etc.) or whether the victim was one of only a few of that nationality or group in the neighborhood/school. These are only a few of many examples of information that could be helpful in an investigation and conveyed in a refresher course.



quarterly meeting, the Anti-Defamation League presented on hate crimes, the officers discussed how certain bureaus were not consistently attaching a requisite confidentiality form to hate crime incident reports, and the officers learned that the California Penal Code (“PC”) now makes it a misdemeanor crime to display a noose (where previously it was a hate incident). **We highly recommend that the LASD develop similar quarterly or semi-annual trainings.**

Then, after these annual trainings, station hate crime liaisons should provide this information to station detectives. A detective has more experience, is better trained, and has fewer time constraints than a patrol officer; he or she therefore is likely to be more adept at handling hate crime investigations.

Alternatively, HCTF could establish a “Train the Trainer” program, in which outside expert hate crime trainers teach hate crimes to officers within the Department, such as station hate crime training liaisons, and empower these officers to deliver this critical training back at their stations. The Department could also explore online electronic training capabilities, such as partnering with another police department already doing this kind of work to integrate training models.

**Third, we recommend that the Department Field Operations Support Services annually release a newsletter on hate crimes restating hate crime identifiers and tips for effective investigations.** The last newsletter on this topic we could find was from March 2000 (see Appendix).

#### 4. Relations with Community Groups and Victim Support

HCTF detectives maintain they have regular contact with outside agencies and attend any hate crime event to which they are invited. We wondered whether HCTF’s reduced staff and responsibilities, as compared with pre-2005, have caused HCTF to have a less visible presence in the Los Angeles hate crime network. As a result, we spoke with as many organizations as we could get in touch with, to determine community relations with HCTF.

The Muslim Public Affairs Council said that the Muslim community has a positive working relationship with the LASD when dealing with hate crimes. They appreciate that they can report hate incidents to the Department, not just hate

crimes. They said that most of their LASD contact is with the Muslim Community Affairs Department, and did not recognize the name of HCTF or its detectives, but felt that the Department was responsive to the Muslim community when a hate crime occurs.

Likewise, the Anti-Defamation League spoke highly of the Department and its work on anti-Semitic hate crimes, positively referring to Detectives Keeling and Zumer by name. They said that HCTF detectives were responsive—returning calls and emails promptly—had excellent contact with victims, and were responsive to the Jewish community when an anti-Semitic hate crime occurred. For instance, after an anti-Semitic crime at a synagogue, Detective Zumer was invited to speak to synagogue board members, where he answered questions and provided reassurance.

The Network Against Hate Crime, founded in 1984 by the Human Relations Commission, meets quarterly to discuss hate crimes and convene law enforcement agencies, educators and relevant community groups and individuals.<sup>94</sup> Initially, members of the Network Against Hate Crimes thought that HCTF did not have a regular presence at meetings, unlike the Los Angeles Police Department. When upon our request they reviewed the attendance record since 2007, they actually found that a HCTF detective has been present at every meeting. Therefore, the question becomes not whether HCTF is doing its job properly but whether the LASD has enough of a public presence so that it receives recognition for the community work it is doing. We encourage the detectives of HCTF to continue to maintain a public presence so that their excellent work is rightfully recognized.

**Lastly, we recommend that each region create a victim referral resource pamphlet to be kept in each patrol car and provided to a victim after a hate crime or incident. Currently, no region or station has a localized support handout for victims. The closest is the pamphlet, “Hate Crime: Not In Our Neighborhoods!” that provides general information. It is important that a victim know how to receive support from local, community-based organizations and to**

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<sup>94</sup> <http://humanrelations.co.la.ca.us/programs/network/network.htm>.

feel that the Department works closely with those support groups. Thus, we recommend that the current pamphlet be modified for each region or station and made accessible to hate crime victims.

5. Tracking Gang Activity and Hate Crimes

We note a positive change occurring in the LASD to track racially motivated gang activity. HCTF recently proposed adding a “Gang-Related Hate Crime” section into the Hate Crime Field Operations Directive #01-05. The updated section, if approved, will reinforce the already-existing Department policy that a crime identified as gang-related hate crime or incident be reported and documented with a gang statistical code, 860. We think this new section is a commendable development because it will better enable the Department to link hate crimes and gang activity in Los Angeles County in a way it has been unable to do thus far.

## **II. Hate Crime Investigations: An Analysis of Stations and HCTF**

HCTF performs thorough hate crimes investigations to the unit's considerable credit. The same cannot be said, however, for all station level investigations.

### **A. A Sampling of Hate Crime Data**

We analyzed the Department's investigations of hate crimes by focusing on stations with some of the highest numbers of hate crimes in the Department's three regions: Lakewood, Lancaster, Norwalk, Santa Clarita, and West Hollywood. In addition, we looked at investigations conducted by HCTF. We analyzed years 2007-2009 in each of the above stations/units, and compiled basic data for all cases that returned a hate crime statistical code. The data examined:

- Whether a case alleged a hate crime or hate incident;
- The charge (e.g., robbery, aggravated assault, vandalism, hate speech, etc.);
- The motivation (e.g., sexual orientation, race, religion, disability, etc.);
- The time span between when a report was opened and when the case was closed, where data was available;
- The status of the case (pending, inactive, solved).

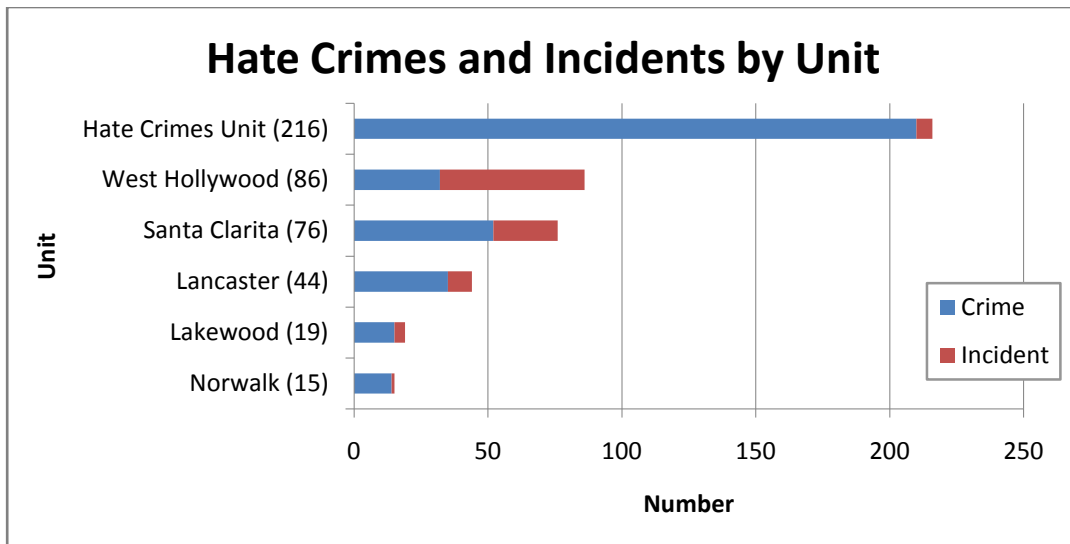


Figure 3.1: Hate Crimes and Incidents by Unit

We found that the vast majority of cases that HCTF investigates are hate crimes; the patrol stations tend to investigate more hate incidents than HCTF. This is not surprising considering that the more serious or challenging cases often are transferred to HCTF. It is curious that West Hollywood was the only station to have a greater number of hate incidents (63 percent) than hate crimes (37 percent).

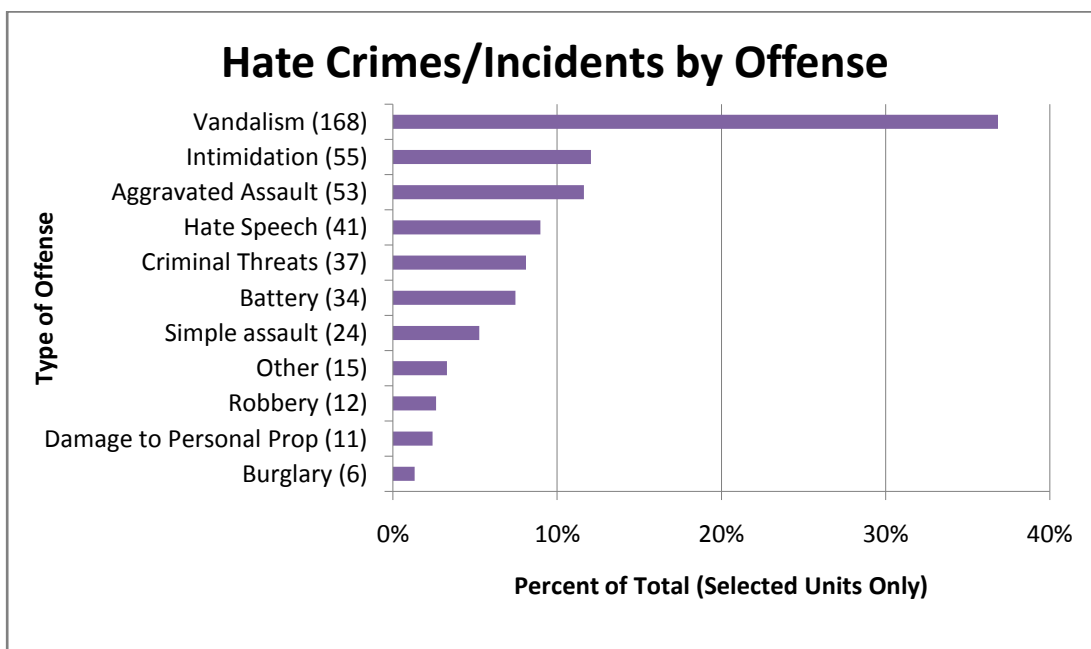


Figure 3.2: Hate Crimes/Incidents by Offense

Over one-third (37 percent) of underlying offenses for a hate crime were charges of vandalism. If the offense was violent, it was more likely to be aggravated assault

(12 percent), such as assault with a deadly weapon, than a simple assault (5 percent), such as a fistfight. HCTF posited that the large number of vandalism cases was due to the large audience an offender can reach through the act: The offender often uses vandalism to make a broad general statement usually against a class of people.

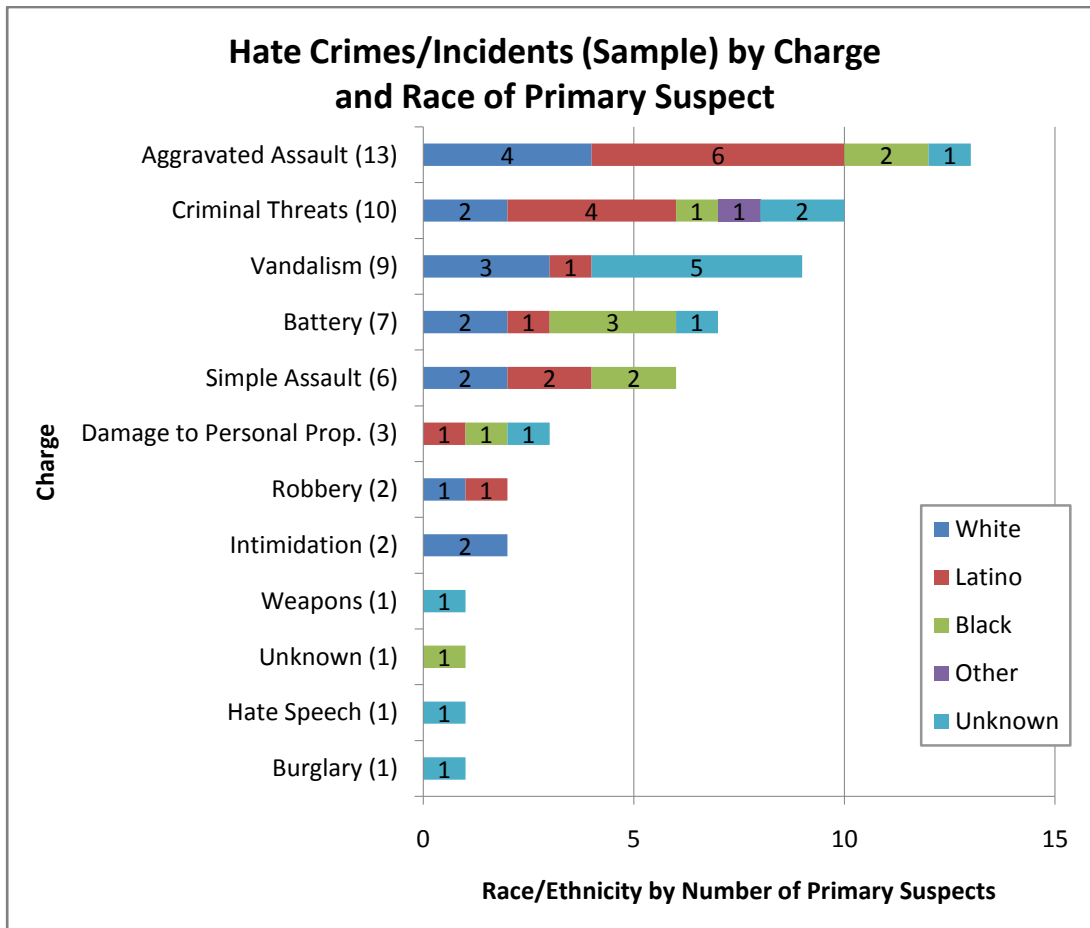


Figure 3.3: Hate Crimes/Incidents (Sample) by Charge and Race of Primary Suspect

When we broke down the type of charge by the race of the primary suspect in our sample set, we found that whites and Latinos were the primary perpetrators of the most violent offense: aggravated assault. Vandalism had the largest number of unknown perpetrators. This is not surprising considering that it is often harder to find the perpetrators of vandalism—a crime that often occurs without witnesses and may not be discovered for days.

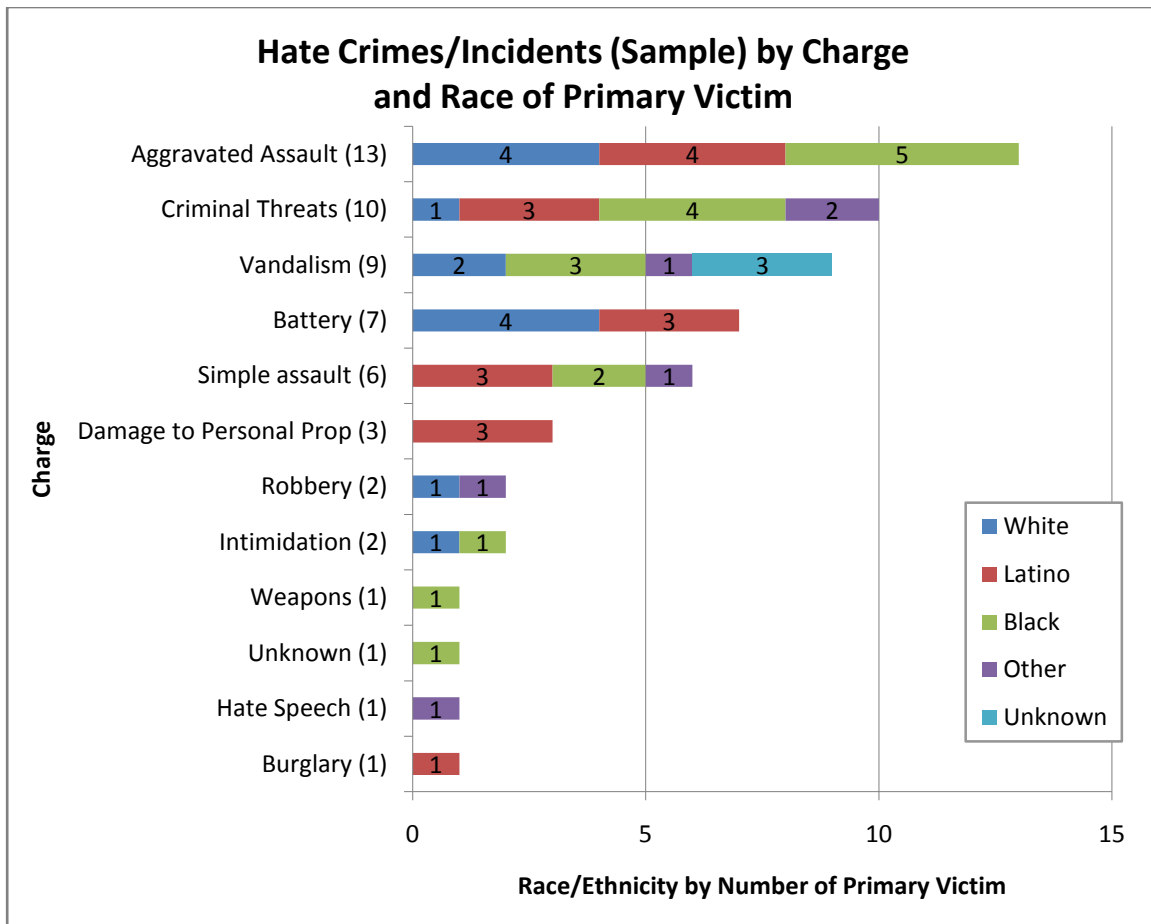


Figure 3.4: Hate Crimes/Incidents (Sample) by Charge and Race of Primary Victim

When looking at types of charges by the race of the primary victim, we found that African-Americans were more likely than whites or Latinos to be victims in the top three charges—aggravated assault, criminal threats, and vandalism.

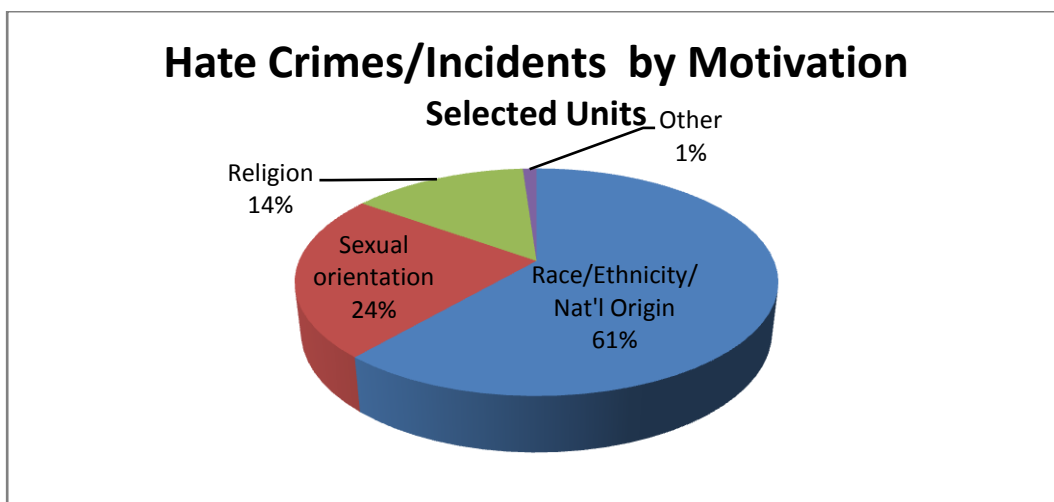


Figure 3.5: Hate Crimes/Incidents by Motivation

While hate crimes motivated by race, ethnicity, or sexual orientation comprised the majority of cases (85 percent), it is interesting to note how various stations broke down these numbers. Over half (57 percent) of all sexual orientation-motivated hate crimes in the five stations and HCTF occurred in West Hollywood. Looking only at the West Hollywood station, the vast majority (71 percent) of all hate crime cases that occurred in West Hollywood were motivated by sexual orientation. Nearly a quarter (24 percent) of religion-motivated cases—mostly anti-Semitic—occurred in Santa Clarita.

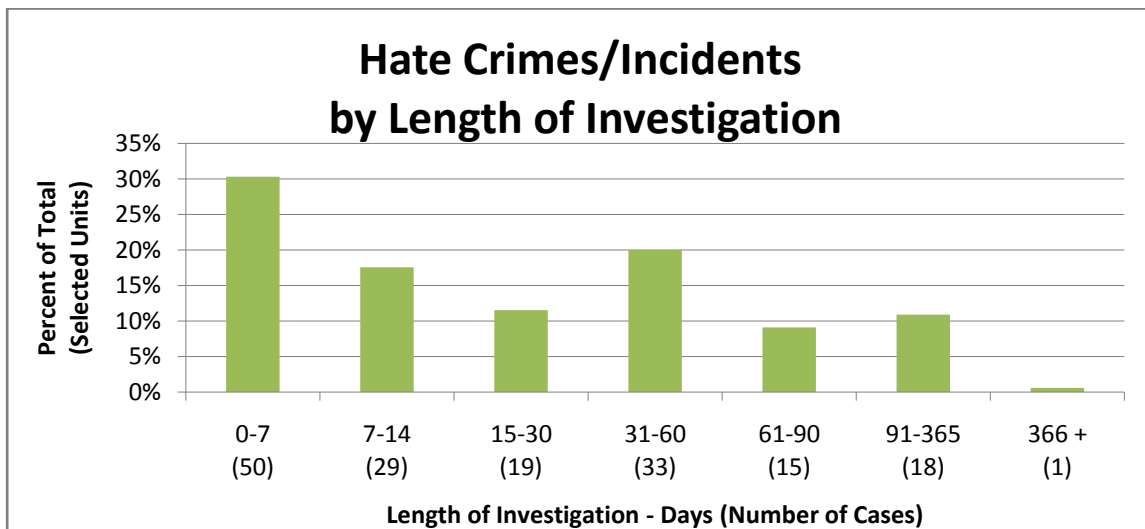


Figure 3.6: Hate Crimes/Incidents by Length of Investigation

We calculated the time from an incident report until case closure,<sup>95</sup> and found that 14 percent of hate crime cases were closed within two days of being opened. A cumulative 50 percent were completed within the first 15 days of being opened; 80 percent were closed within sixty days and 89 percent were closed within ninety days.

While there was no statistically significant difference between the stations in terms of length of investigation, when broken down, we found that HCTF works more rapidly at solving hate crimes than the other stations as a whole—solving the greatest number within the first week. This could be because HCTF’s only task is to investigate hate crimes, while station detectives have a more extensive portfolio

<sup>95</sup> This calculation took into account data compiled from 165 completed cases.

of types of crimes they are investigating. Santa Clarita was the only station that still had an open hate crime case after one year.

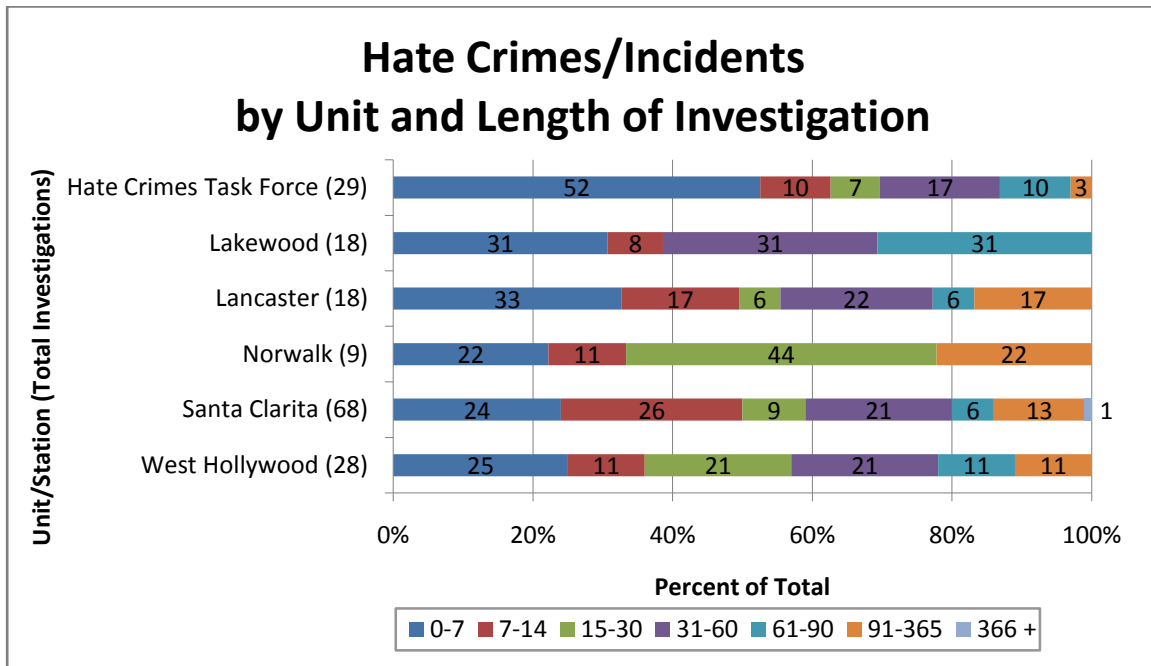


Figure 3.7: Hate Crimes/Incidents by Unit and Length of Investigation

In terms of case status, stations declared 58 percent of cases inactive, 21 percent pending, and 22 percent solved. HCTF had no pending cases and the least number of solved cases (14 percent). According to HCTF, when station detectives keep a hate crime case, it is generally because they have an immediate lead. When a station hands over a case to HCTF, it is generally because the case has no workable information or no obvious leads. Though HCTF still attempts to identify a suspect for these cases, they often go unsolved. Hence, according to HCTF, HCTF has a greater number of unsolved cases compared to the stations.

In a total of ten cases per station/unit, we scrutinized the investigation itself. We chose the ten cases through a computer-generated randomized sampling of all hate crime cases that were classified as solved or inactive (closed with no leads). Using this method, we sought to examine five cases in 2009, three in 2008, and two



in 2007.<sup>96</sup> In addition to the basic data mentioned above, we sought:

- Victims and suspects' race, age, and gender;
- Time of the crime's occurrence;
- Type of location (e.g., residence, business);
- Whether the report mentioned suspect's intoxication;
- Case disposition.

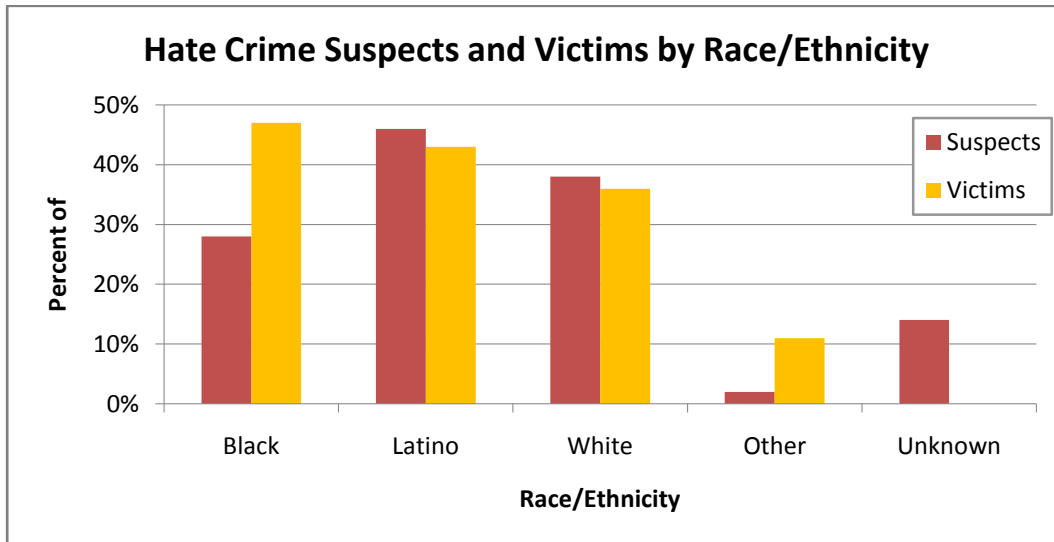


Figure 3.8: Hate Crimes Suspects and Victims by Race/Ethnicity

In nearly half of cases for which the race of suspect and victim was known, a hate crime victim was likely to be African-American (47 percent) and the suspect likely to be Latino (46 percent). There was a similar likelihood of a suspect or victim being Latino and white (38 and 36 percent respectively). The numbers do not add up to 100 percent because some cases involved more than one suspect or victim. According to HCTF, many of the hate crimes arising out of high schools show Latino suspects and African-American victims, due, it is speculated, to public high schools in Los Angeles County having more Latino students than African-American students. Likewise, HCTF believes the large number of white suspects represents the largely anti-black and anti-Latino hate crimes occurring in Region I by white suspects.

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<sup>96</sup> In some stations, the hate crime liaison could only provide us with complete files for fewer than ten cases.

Sixty-nine percent of all known suspects in hate crime cases involved male suspects, while 31 percent involved female suspects.

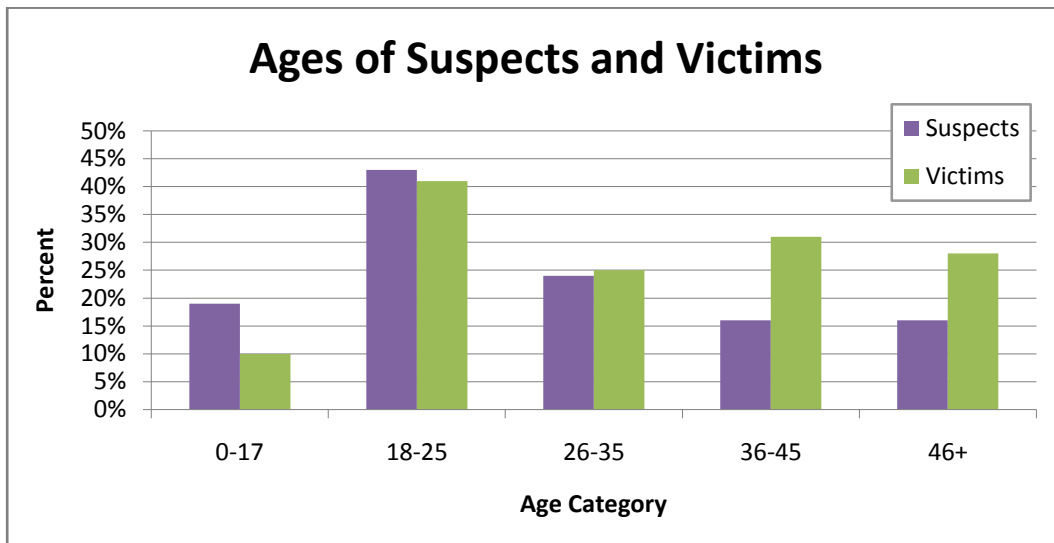


Figure 3.9: Ages of Suspects and Victims

Suspects tended to be younger than victims, with the majority of suspects and victims falling between ages 18-25. It is interesting to note that most gang members are 18 years and older as well—like the majority of hate crime perpetrators.<sup>97</sup>

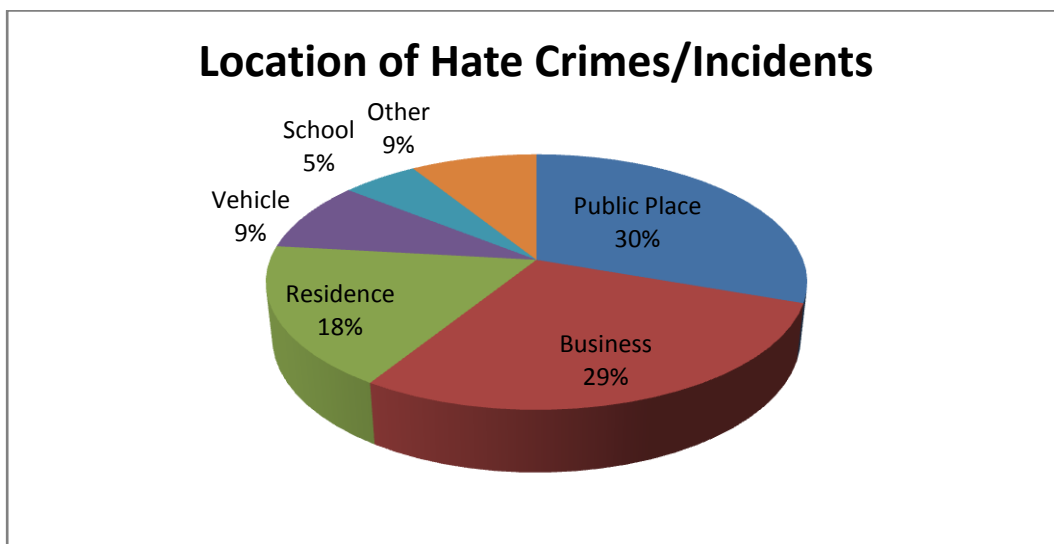


Figure 3.10: Location of Hate Crimes/Incidents

<sup>97</sup> <http://www.nationalgangcenter.gov/Survey-Analysis/Demographics>, showing that the majority of gang members are over 18 years of age.

The majority of hate crime cases (59 percent) occurred in businesses, such as fast food restaurants and offices, and public places, such as sidewalks, streets, and parks. The nine percent “Other” on the chart included government buildings, transit stations, holding cells, and religious institutions.

Over half of hate crime cases (57 percent) occurred at night, with 39 percent occurring in the day and 4 percent unknown. Sixteen percent of cases noted a suspect being intoxicated.

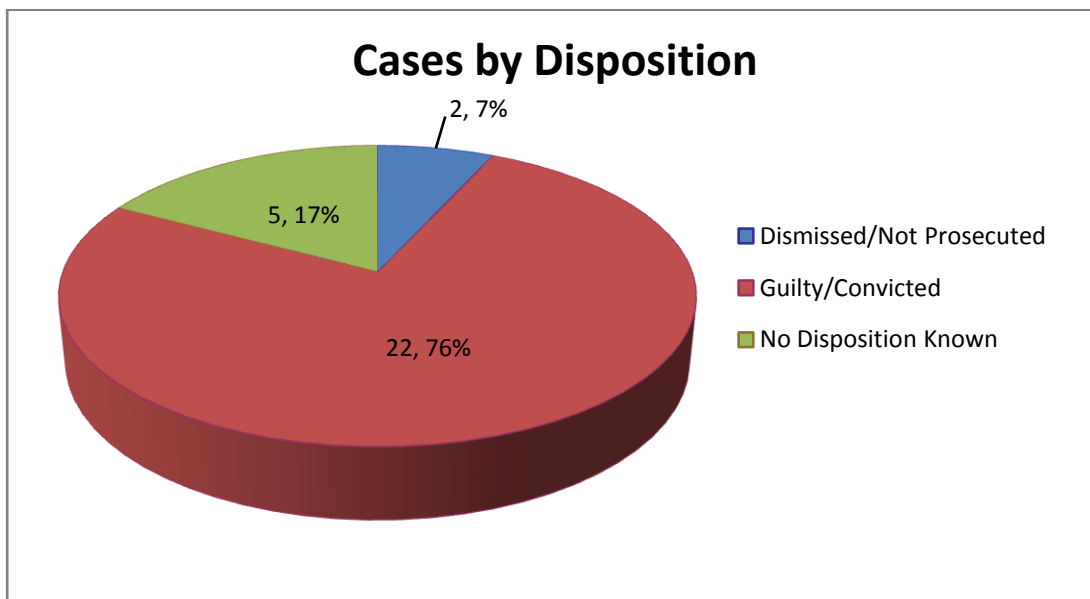


Figure 3.11: Cases by Disposition

The majority of filed cases we surveyed (76 percent) resulted in a guilty conviction. However, as the below chart indicates, only three of those cases (10 percent) were actually filed with a hate crime charge—criminal threats 422.6(a) PC. The rest were filed solely for the underlying crime; assault with a deadly weapon constituted the majority of these charges (62 percent). Of those filed with a hate crime charge, only one (3 percent) actually resulted in a conviction. **We are concerned that so few of the cases investigated as hate crimes actually resulted in a hate crime charge and hate crime conviction.** We acknowledge that this is a concern better directed to the District Attorney’s Office than the Department.

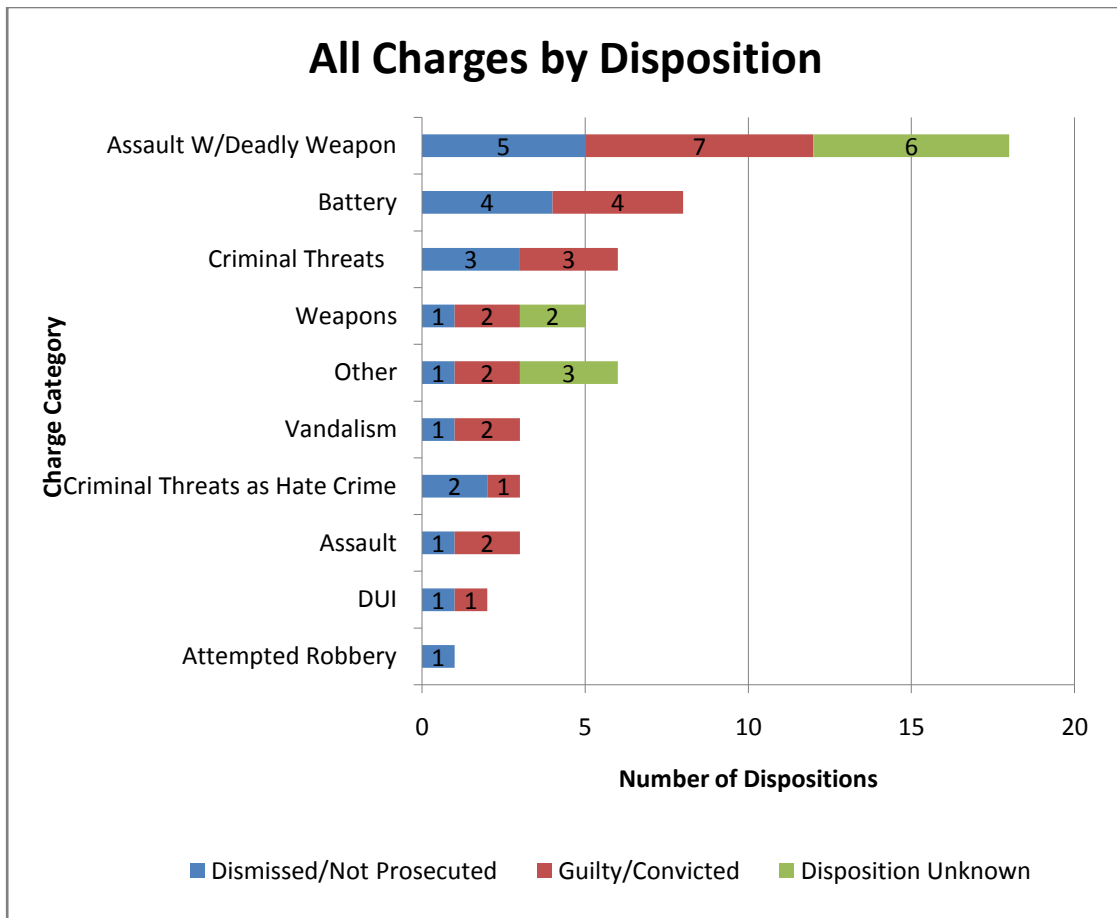


Figure 3.12: All Charges by Disposition

### B. Analyzing the Contents of Hate Crime Case Files and Investigations

After acquiring the data reported above, we sought to examine the hate crime reports themselves, both for completeness and the quality of the hate crime investigation. We looked at the contents of the file (e.g., incident reports, supplemental reports, photographs, criminal history records, booking slips, case activity logs, case closure reports, etc.), whether documents and evidence were missing from the file, whether all possible leads were followed, what conclusions were noted by the detective, whether the case was filed with a District Attorney's office and if so, what the final case disposition was, if known. On the whole, we were impressed with the quality of the investigations of some stations and concerned by others.

West Hollywood Station, for example, stood out in how quickly and completely they provided us with the files we requested, as well as how responsive they were

to our questions. While their sample set of ten investigations did not turn up particularly complicated hate crime cases (e.g., vandalisms with unknown suspects, hate incidents within a station holding cell in front of deputies, etc.) the reports of one particular detective were thorough, well documented, and well-written. In a 2009 criminal threats hate crime case, a juvenile received a cell phone message from an unknown caller, stating “piece of shit fagot [sic],” “[I’ll] slice [your] throat,” and “Tick tock you’re dead.” Upon receiving the case, the detective re-interviewed the victim’s mother in person, confirmed the facts, listened to a recording of the message to ensure it was transcribed correctly, traced the caller, and identified his high school. The detective then visited the high school, located in Sherman Oaks, obtained information on the suspect and met with the suspect and his parents. At the meeting, the suspect admitted to making the call as a prank. The detective wrote a thorough supplemental narrative detailing all the above. He concluded that the suspect was sincere in his admission of guilt and therefore released him on a written citation. We found this report to be a good example of thorough detective work on a non-violent hate crime, a comprehensive case file and a reasonable foregoing of a charge at the detective’s discretion.

Likewise, in a Norwalk hate crime case, a Latino woman, married to an African-American man, and her daughter were in their enclosed front yard. A car drove by repeatedly, yelling out the name of a local neighborhood gang and shouting, “Fuck you, you nigger loving bitch shut the fuck up before I fucking deal with you and shoot your ass.” He then exposed a gun in his waistband. The victim and daughter ran inside and called the police. The daughter identified the suspect with his street moniker. The responding officer interviewed a witness, spoke with an Operation Safe Streets detective from whom he obtained more information, and notified HCTF. The assigned detective prepared a photograph line up (included in the file) of possible suspects, and re-interviewed the victims. Only the daughter positively identified the suspect. The detective obtained a search warrant for the suspect’s home (included in the file) and seized relevant letters from the suspect to fellow gang members in jail (also included in the file). The detective then wrote an extensive supplemental narrative about his interviewing of the suspect and witnesses. He addressed conflicts between the victims and suspect’s accounts of what occurred and included his conclusions as to why he believed a hate crime

occurred: “It is my expert opinion that the [gang] commits crimes for the benefit and enhancement of that gang...This is an obvious attempt to intimidate, instill fear in the victim, in an attempt to force the victim and her family to move from the area. Furthermore, it is my opinion that these threats were made solely based on race, making this a hate crime.” The case was filed as criminal threats, 422 PC, and as a hate crime, 422.7(a) PC. The suspect was convicted of the criminal threats charge. The hate crimes charge was ultimately dismissed. We have no doubt that his conviction for criminal threats was in part to the thorough detective work, comprehensive supplemental narrative report, and complete investigative file provided by the detective.

#### 1. Improper or Inconsistent Classifications

At various stations, there was improper or inconsistent labeling in hate crime reports, reflecting a lack of understanding the difference between a hate crime and a hate incident. This inconsistency has important ramifications in how a particular victim understands his or her remedies, how one determines the number of hate crimes occurring in Los Angeles County, and how the LASD reports hate crime data to the California State Department of Justice.

For example, in Lakewood, a swastika and “White Power Worldwide” were written in chalk on an African-American family’s residential driveway. Lakewood reported this as a hate *crime* (racial epithets), 422.6 PC. Yet in Santa Clarita, a swastika was taped onto the residential garage of a vacant home previously lived in by Asians and in another case, “Fuck Niggers” was written in blue chalk on a residential cinder block wall belonging to a bi-racial couple. Santa Clarita Station reported both these as hate *incidents*.

According to HCTF, all the above cases constitute a hate crime because there is a specific-intent target. We recommend that a Department directive clarify and provide examples of the difference between a hate *crime* and a hate *incident*. Officers should be encouraged to direct questions to HCTF whenever legal questions arise.

Another inconsistency we found among the stations is in the use of incident reports to report hate incidents. While West Hollywood fills out incidents reports

for all hate incidents, other stations do not consistently do so. Likewise, some stations are reporting the type of offense committed in a hate incident while others are not. For example, some stations, under “Classification 1/Level/Statcode” are reporting a hate incident as “none” alongside the relevant hate crime statistical code. Other stations are reporting hate speech, non-permanent vandalism, etc. next to the hate crime statistical code. **We encourage stations to fill out a hate incident report for all hate incidents and to describe the incident in the appropriate field, so the information is properly tracked and entered into LARCIS. Otherwise, the Department cannot report accurately the numbers and types of hate incidents occurring in the community.**

Lastly, we found inconsistent classification of case status among the stations. While stations consistently labeled a case “solved” if there was a known suspect or filing, stations had divergent practices on case status labeling for cases with no leads or unknown suspects. Some stations labeled a case “inactive” and closed it out, while other stations used “pending” and either closed it out as pending or never closed it out at all.<sup>98</sup> We recommend the consistent use of case status labels in accordance with Department hate crime policy and demarcating different levels of case activity: active, inactive, and solved. “Active” should refer to a case that has been opened and is being investigated for workable information; “inactive” should connote a case with no workable leads, no known suspect, and no filing. We recommend that a supervising sergeant should provide oversight to ensure that case status labels are being used consistently and regularly, for the purpose of tracking the progress of hate crime investigations across all stations, ensuring that investigations are occurring in a timely manner, and overseeing that investigations are not being dropped or lost.

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<sup>98</sup> For instance, in Lakewood Case Closure Reports, it appears that the clearance term for an inactive case is “pending,” while the action is described as “inactive, case cleared.”

## 2. Missing Documents in Reports

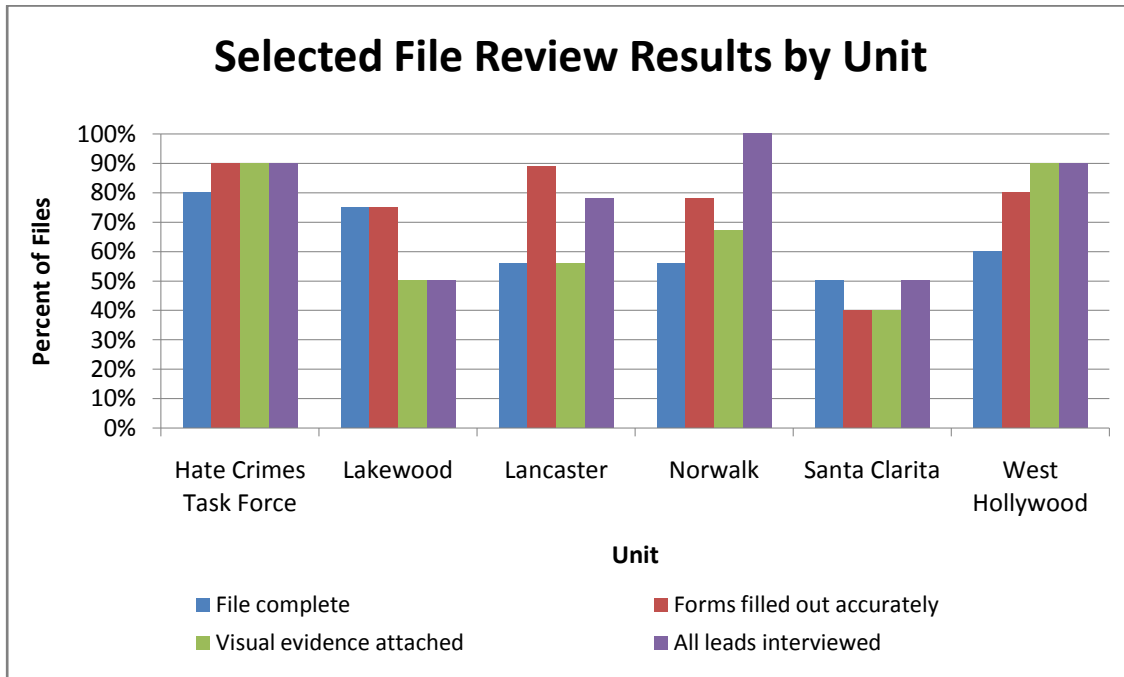


Figure 3.13: Selected File Review Results by Unit

In three-quarters of hate crime case files, requisite forms were filled out appropriately. However, even if individual forms were filled out correctly, in over a third of hate crime case files (38 percent), the reports themselves were incomplete due to missing documents, mainly Case Closure Reports or Case Activity Logs. In a third of cases (34 percent), relevant photographic evidence was missing from the file. In nearly a quarter of cases (23 percent), the field officer or detective failed to interview necessary witnesses, victims or suspects. Santa Clarita Station on the whole had the least number of complete and accurately filled out files.

**It is critical that all relevant documentation be part of each file to ensure that proper investigations are occurring.** In addition, a new Department directive requires that all case files be scanned and stored electronically. We understand that some stations store photographs on the station's shared drive and back them up on CDs, but do not print out hard copies for the file itself. We recommend that the Department clarify document retention practice, including which documents should be included as hardcopies in the hate crime file.



We found across the stations inconsistent use of Case Activity Logs and Case Closure Reports. A detective uses a Case Activity Log to list the dates and progress of the investigation. For example, a Case Activity Log will state the date, time and activity that occurred on that day, such as “2/5/07. Holiday Hotel. Interviewed desk clerk.” This enables the supervising sergeant to provide oversight. An Adult Case Closure – Supplemental Report states the date of case closure, the names of victims and suspects, the charges filed, if any, the case disposition as of that point (e.g., felony filed) and the status of the case (inactive, solved, adult arrested, etc.) While HCTF used a Case Activity Log and Case Closure Report in nearly every case, Santa Clarita Station, in contrast, had a completed Case Activity Log in only one case and a Case Closure Report in 70 percent of cases. **We recommend that all stations consistently utilize Case Activity Logs and Case Closure Reports so supervisors can ensure that investigations are thorough and timely.**

3. Striving only for the bare minimum in hate crime investigations

While some stations—especially HCTF—generally did an exemplary job of investigating hate crimes, some stations exemplified less than thorough investigations.

The hate crime reports reflected this. In our randomized sampling of hate crime cases, Lakewood and Santa Clarita did not always seem to go the extra mile to ensure a thorough investigation in which all leads were followed, all documentation collected, and all witnesses interviewed. The following are some examples.

In an August 2007 night in Santa Clarita, two women (“Victim 1,” who was white and “Victim 2,” who was African-American) were having drinks at a bar. The women had an interaction with a white male, in which he accidentally hit Victim 1 with a chair and bought her a drink in return. As the women were leaving the bar, the white male (“Suspect”) followed them outside. Suspect and five white friends surrounded the women and pushed Victim 2 into some bushes, yelling “Nigger” and pretending to be monkeys. As Victim 1 rushed to her friend’s aid, Suspect threw a full bottle of beer at Victim 1, yelling “Take this, bitch.” Victim 1 began to call the police, but Suspect grabbed the phone and broke it. The victims managed

to get into their cars and escape, writing down Suspect's perceived license plate number. They did not call the police until the next day.

The responding officer saw scratches and injuries on Victim 2, consistent with the story. However, no detective ever followed through with this case. While the responding officer did check the license plates and came up with a name (though a different vehicle than that described by the victims), no one ever followed through with this lead. In fact, the report shows that the assigned detective, now a Sergeant in another station, intended to transfer the case to HCTF. Nonetheless, the case was never reassigned to HCTF; it was instead closed out at Santa Clarita as inactive six months later, without any investigation ever having taken place. We tried to contact the victims but their phone numbers no longer worked. When we questioned the assigned detective about this case, he did not remember it.

In another Santa Clarita case, a Latino male was pulling out of his driveway with his mother in the passenger seat. Suspect, who was driving by, stopped his car, approached the victim with a large object and said, "I'm going to kill you, you fucking wetback." A few days later, the same incident occurred with the same suspect. As the victim relayed the incidents to the police, the suspect happened to drive by and the victim identified him. The suspect denied everything, but was nevertheless detained and a case filed for drunk driving and criminal threats. The only witness in this otherwise "he said/he said" encounter was the victim's mother, who only spoke Spanish. However, the detective never brought an interpreter to take her critical testimony. Though investigated as a hate crime of criminal threats (422.6(a) PC), the defendant was convicted solely for the vehicle code violation of driving under the influence of alcohol (23152(b) PC).

In Lakewood, an employee ("Victim") at a fast food chain heard Suspect yell at another employee for his food, calling the employee a "faggot," "spic," and other profanities. Victim told Suspect not to speak that way. Suspect approached her, saying, "I will snap you like a twig." Victim pushed Suspect back to avoid being assaulted and Suspect slapped Victim across the cheek, causing her to fall toward to the counter. Suspect ran out of the restaurant. A witness and the other employee confirmed this account. Officers detained the suspect; he denied all aspects of the story except for the part where Victim slapped him. The investigation in this case

seemed thorough and almost all the relevant documents were in the file. Nonetheless, there is no mention in the report of attempts to find a video to corroborate the victim or suspect's account; this could be important considering the conflicting stories. Most fast food chains have videos in their stores for security purposes. When we asked Lakewood Station why a video did not appear to be sought, we were told that it was not necessary to go the extra step. Though there were allegations of a hate crime, the case was filed for criminal threats (422 PC), for which defendant was dismissed and battery (242 PC), for which he was found guilty.

In Lakewood, a white teacher reported that as he was returning to class, one of his students ("Suspect") kicked the teacher in the leg and said, "What the fuck you gonna do about that, fat white bastard?" When told that his father would be called, Suspect responded that he did not care. As the teacher walked to the office to call, Suspect followed, saying, "Ooh, cracker mother fucker is mad now." As the teacher sat down to call, Suspect said, "I gonna kick your fat fucking ass." Another teacher witnessed an altercation, in which Suspect and teacher scuffled and the teacher's glasses broke. Suspect then fled school. Suspect received a juvenile petition to appear in court.

What we find troubling about this investigation is the minimalist approach. The only record of the incident is an account written by the teacher. The responding officer copied the teacher's account nearly verbatim into the incident report narrative. The officer never interviewed the Suspect because he had skipped school and no one returned to obtain the Suspect's account on a different day. Though it notes that another teacher saw the scuffle, he or she was not interviewed. Regardless of whether the teacher's account was accurate, as a matter of practice, an officer should interview all involved parties—particularly juvenile suspects. According to the station, the suspect was charged with a battery committed on school property (243.2(a) PC) placed on probation for that crime. We discussed the failure to interview witnesses or the suspect with a Sergeant at Lakewood station who remarked that on hate crime cases, detectives do the bare minimum necessary to close a case. When asked about this comment, Captain Christy Guyovich, Lakewood Sheriff's Station, vigorously defended her station,

stating that she in no way condones a practice of requiring only the bare minimum on hate crime investigations.

**We agree that the bare minimum is never sufficient in a hate crime investigation. If a patrol officer's investigative work is thorough enough not to necessitate a detective re-interviewing witnesses, victims and suspects, the patrol officer's investigation may be enough. But that should occur in the minority of hate crime investigations. A detective generally should re-interview relevant individuals and re-examine possible leads in hate crime investigations. By doing so, the DA is presented with as tight a case as possible and the possibility of rejection for insufficient evidence is minimized. A solid investigation is a critical element in the larger goal of obtaining successful filings of hate crimes. In an allegation as serious as a hate crime, the bare minimum investigation necessary to close out a case is not acceptable.**

4. The need for more concluding analysis

HCTF was one of the only units to provide any case closure analysis, often in the form of an "Investigator's Opinion" section. None of the other stations had an official "Investigator's Opinion" section and only a few displayed comparable analysis.

For instance, in a 2009 Palmdale case investigated by HCTF, the suspect, a self-declared white supremacist, was alleged to have driven while drunk, causing injury, and to have yelled racial epithets. HCTF's narrative concluded with an "Investigator's Opinion" section. In it, HCTF analyzed why it believed a crime of assault with a deadly weapon with a racial bias occurred. For example, HCTF noted that the suspect admitting his status as an AV Skinhead, his yelling "White Power," and his racially charged tattoos. The detective had thought through all aspects of the case. It compiles the hate elements of the case in one section in a format that is logically arranged. This provides a prosecutor with some analytical framework from which to begin building a legal case. Unfortunately, the case disposition information for this case was not available. However, we surmise that when a prosecutor has a multitude of cases before him or her, this section makes his or her job of alleging a hate crime that much easier.

Likewise, consider the following excerpt from an HCTF case: "It is my opinion that the crime of assault with a deadly weapon (firearm); assault with a deadly weapon (rocks); vandalism; accessory to a crime; and a racially biased hate crime did occur. My opinion is based on the following factors:" (some of which are paraphrased below)

- One of the victims had injuries consistent with a person who had been assaulted in a fight;
- Rocks matching the description provided by the victims were found at the suspects' residence;
- Damage to the victim's vehicle was consistent with damage caused by rocks thrown at it;
- One of the suspect's relatives owns a vehicle which the victims describe as used in the car chase;
- Although the suspects claim not to have been outside at the time, the victims both independently identified the suspects in separate "field show ups;"
- The suspects were found by police hiding in various locations in the home;
- Both suspects were heard yelling, "Kick that niggers ass," during the fight;
- The suspects and victims had no contact prior to the incident, yet the suspects called the victims "niggers," told the victims, "get the fuck out of here nigger, you don't belong here," then assaulted the victims.

**We recommend that all stations include an "Investigator Opinion" or comparable analysis in each hate crime investigative report. This analysis not only aids a detective to connect the pieces of a case and determine that all investigative work has been completed, but provides a useful tool for a Deputy District Attorney to decide whether to file a case. If all Department hate crime reports had such analysis, it seems likely that there would be fewer District Attorney rejections of hate crime filings.**

### **III. Jail Investigations of Hate Crimes**

The LASD Jail Investigations Unit ("JIU") reviews all criminal reports from the Department's eight jails, courtrooms, court lockups, and transportation systems. The reports are received on a daily basis and determined to be

"Assigned" or "Screened Inactive" pursuant to the District Attorney's filing guidelines. In keeping with these duties, JIU oversees all allegations of hate crimes within a custody facility.

JIU, which investigates all jail crimes including hate crimes, operated as a separate investigative unit until June 2007, when Custody Division Headquarters brought it under the umbrella of the "Custody Investigative Services Unit" (CISU). Since its inception, CISU has a lieutenant assigned as its Unit Commander, a sergeant and senior deputy assigned to JIU, and two sergeants assigned to Operation Safe Jails.

Until the restructuring of 2007, it appears there was no accountability or oversight of JIU investigations. According to a knowledgeable source in JIU, case files were not systematically retained nor were the investigations supervised. There was little to no monitoring whether a detective entered crime data into LARCIS or properly handled an investigation. Many files were placed in boxes or desk drawers and lost or dumped when detectives moved offices.

The most sobering example of this appears to be the work of one particular detective who retired in 2009. For many years prior to the restructuring, this detective was reported to be one of only three detectives handling jail investigations for the entire county. He reportedly became the "go to" detective for all jail facilities and courts countywide. A knowledgeable source in JIU believes that facilities would fax their reports directly to this detective and he would handle them in order of priority, without concern for assignment or systematic tracking. When the detective retired, according to discussions we had with this knowledgeable source, JIU allegedly found cases that the detective had investigated and closed without ever documenting that he had worked them. According to this source, many of these cases were found buried in his desk drawers without any apparent organization or oversight.

#### **A. *Jail Hate Crime Data***

Our analysis of jail hate crime investigations examined the years 2006-2009. Some of these investigations occurred before the restructuring. JIU was able to provide us with 23 hate crime reports out of 37 cases that turned up a [hate crime statistical](#)

code for this period. The remaining cases were lost, according to a knowledgeable source, who opines that the other facilities never sent them over.

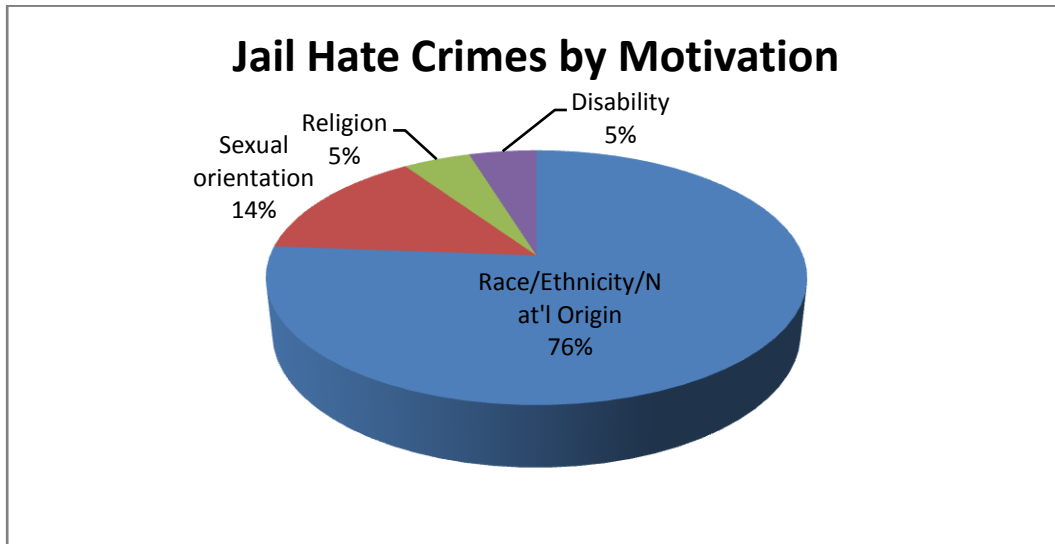


Figure 3.14: Jail Hate Crimes by Motivation

Of the cases we could track, the majority of jail hate crimes (76 percent) were motivated by race, ethnicity or national origin—namely African-American versus Latino animus. Sexual orientation motivation was the next largest category at 14 percent. The vast majority of victims (57 percent) and suspects (13 percent) were African-American.

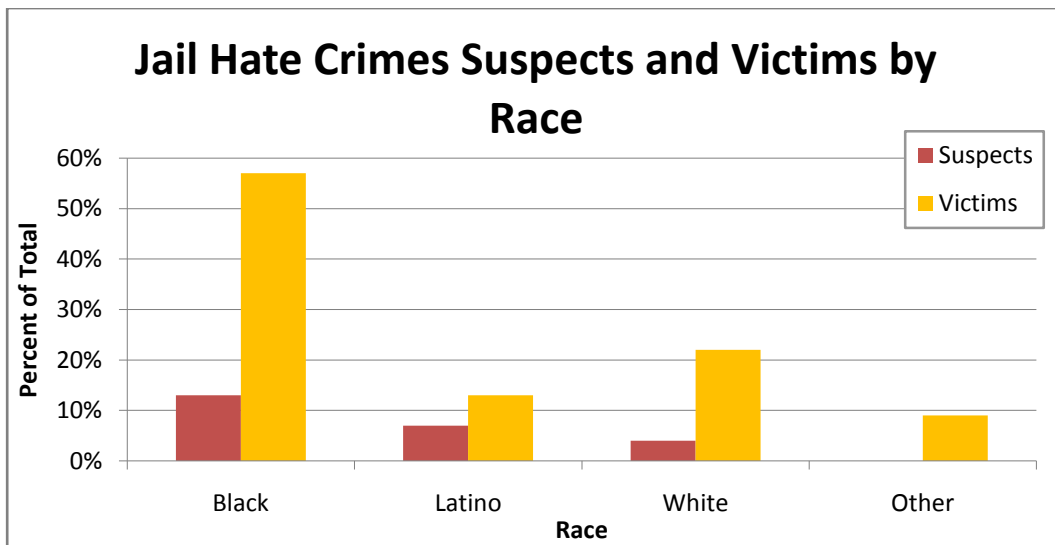


Figure 3.15: Jail Hate Crimes Suspects and Victims by Race

The following chart tracks the types of weapons used to perpetrate hate crimes in a jail setting. While the majority of hate crimes utilized fists and other body parts (60 percent), a large percentage (40 percent) involved improvised weapons such as shanks, makeshift knives such as a razor blade attached to a broken toothbrush or other type of handle, a broken broomstick, urine, strips of bed linen, bottles, and even prosthetic limbs.

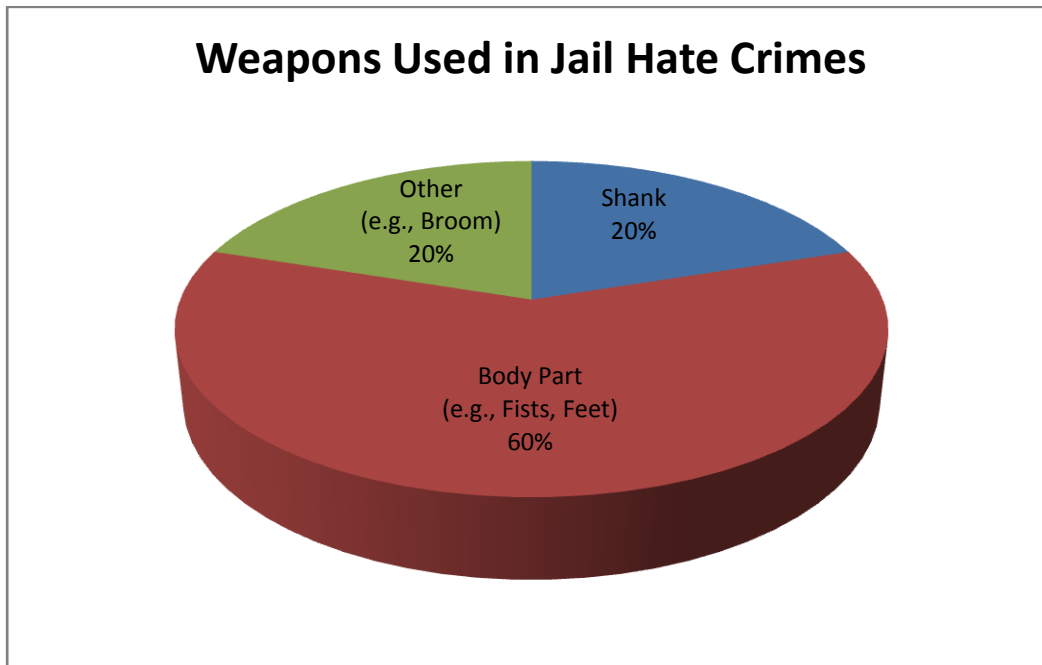


Figure 3.16: Weapons Used in Hate Crimes

#### **B. Analysis of Jail Hate Crime Files and Investigations**

Nearly a quarter (22 percent) of jail hate crime case files contained only an incident report—nothing else.<sup>99</sup> There was nearly an even split between those reports that had a Case Closure Report (52 percent) and those that did not (47 percent). Not one report had a Case Activity Log; JIU informed us that while many of the cases do have Case Activity Logs, they were not included in the files we were given. Why we were given incomplete files remains an open question. We have not independently audited JIU's assertion that Case Activity Logs actually exist, even though they were not in the files given to us, as they should have been. We were troubled by the flip and arrogant manner of one JIU sergeant toward one of our

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<sup>99</sup> It is important to note that in the following data, 61 percent of the cases occurred before the restructuring in June 2007.



staff members and toward the issue of hate crimes in jail. This is one of the few instances in the many years of our monitoring where LASD staff has failed to be courteous and informative.

A majority of JIU reports (57 percent) had neither hard copy photographs in the file nor mentioned photographs having been booked as evidence. Thirty percent of files noted that photographs had been stored as evidence and did not actually have copies in the file itself. Only 13 percent actually had photographs in the file. JIU maintained that it is not standard practice to take photographs in the majority of jail investigations, unless there is a major injury that the District Attorney will likely want evidence of later on. We recommend that any case receiving a hate crime statistical code have photographs taken where there are relevant visible injuries.

In the majority of cases motivated by race (56 percent), the hate crime appeared to have a gang nexus. For example, according to investigative reports, several cases involved Latino inmates attacking African-American cellmates based on Southsider gang orders to attack African-American inmates on sight. We are hopeful that the proposed additions to the Hate Crime Field Office Directive—mentioned above—to track gang-related activity and hate crimes will enable more systematic knowledge of gang-motivated hate crimes in the jails.

In many of the jail hate crime cases, we were frustrated by the lack of officer response in the incidents themselves. According to the files, it appears that several of the incidents occurred because officers simply were not around—sometimes for hours or days. They apparently did not notice a hate crime occurring or were not swift enough to stop it. As one sergeant told us, this is not simply a hate crime issue, but a general issue. We agree and have a substantial concern that there is inadequate deputy coverage in the jails, which presents opportunities for untoward incidents, be they hate crimes or other misconduct. We also wonder why a large number of hate crime victims chose to waive prosecution, despite initial indications in the case file that they were willing to identify suspects and testify.

According to an October 2009 investigative report, a gay inmate (“Victim”) entered a dormitory at Twin Towers where he felt other inmates recognized him as someone who had been in a gay housing unit in state prison. He immediately approached the officer window and asked to be transferred to another dorm. The officer told Victim to wait for the dorm door to open. As Victim walked to the door, several Latino gang members attacked Victim with kicks, punches, and a broken broomstick. We wonder if the assault and hate crime would have been avoided had Custody responded more quickly to the inmate's plight. We also wonder whether the inmate was misclassified and placed in the wrong dorm to begin with. The investigative report did not indicate the length of time it took to rescue the inmate. The case was investigated as a hate crime and presented to the District Attorney’s Office for assault with a deadly weapon—though not as a hate crime. It was rejected for filing but deferred for revocation of a parole that the defendant was then on.

In another incident, according to the investigatory file, on an early morning in May 2006, white male Victim was sleeping when Latino male Suspect #1 woke him asking for coffee. When Victim refused, Suspect began punching Victim, calling him a “stupid fucking white boy.” Three other Latino inmates joined in, tearing Victim’s linens into strips and tying his legs and hands to his bed. About an hour later, the four suspects reportedly pulled Victim to the floor near the toilet and took turns beating him, calling him “white piece of shit,” urinating on him and saying, “You’ll never make it out of this cell alive.” Suspect #2 cut up Victim’s feet with a razor as others beat Victim. They also extorted money from Victim. According to the file, the assault continued throughout the day, until a deputy happened to enter the module for another inmate and Victim ran out asking for help. A medical examination corroborated the injuries—Victim had trouble walking, bruises on his knees and the bottom of his feet, swelling to his back, rib cage and neck, hemorrhaging and bruising from his eyes, and burn marks from being tied up. According to the report, the Victim positively identified the suspects.

We are greatly concerned that, according to the investigatory files, an inmate may have been brutally beaten for hours by four other inmates and no officer

discovered it until the inmate approached for help. We may understand if this attack occurred over a few minutes, but an undetected, vicious attack over the course of a day—if it occurred as described in the report—is inexcusable. We also wonder why the victim was not desirous of prosecution when he so readily identified his suspects—something jail victims are not always willing to do for fear of retaliation. The Case Closure Report indicates that the District Attorney’s Office rejected the case for filing.

Another case shows the extent to which a victim purportedly was beaten in Men’s Central Jail without any interference by Department personnel and seemingly with no other repercussions. In April 2009, according to the report, Victim, a physically and mentally disabled male, was sitting on his bunk. Suspect #1 allegedly approached him unprovoked and punched Victim in the face and head 4-7 times. Victim reportedly curled into a fetal position to protect himself and was punched 10-12 more times in the head, 5-6 times in the kidneys. Then Suspect popped off his prosthetic leg and beat Victim’s head with the metal foot. When Victim tried to escape under his bunk, Suspect #1 began to move the bunk. At this point, Suspect #2 reportedly came over to help Suspect #1, moving the bunk and trying to break Victim’s arm on the edge of the bunk. Several other inmates joined in on the attack, allegedly saying “Gotta fuck up the blue eyed devil.” *The next day*, Victim was sitting on the floor, facing the wall, rocking back and forth with a blanket over him. Suspect #3 came from behind and placed a chokehold on the victim. According to the report, the Victim could be heard gasping for breath. While maintaining the hold, Suspect #3 punched Victim over ten times in the face. The report reads, “After the choking incident, [Victim] banged on the door. When Deputies finally arrived, Victim said that he needed to be moved from the cell.” Victim was not moved out until the next day. An officer notes, “I believe that the primary motivation for the [assault] was due to [Victim’s] disability.” What we find shocking is that at this point, the case’s investigation comes to a dead end. After some initial interviews, it seems the detective—incidentally the same detective discussed earlier in this chapter—simply abandoned this case. The case was never brought to the District Attorney’s office for filing, despite known suspects and much testimony on record. After we inquired several times about this case’s disposition, we were told it was finally closed on April 30, 2010, exactly a

year after its occurrence, due to insufficient evidence to file. It seems to us that the JIU simply let the case fall through the cracks.

In light of these cases, we strongly recommend better accountability and supervision of jail hate crime investigations. We are pleased to hear that as of October 2009, Sergeant Christian Reddington of JIU has instituted his own electronic program to track the intake of cases, including hate crime cases. Sergeant Reddington says he is now tracking the case number, assigned investigator, type of crime, suspect and victim names, date the case was assigned to JIU, date it was closed, and any case disposition information or LARCIS tracking code. We encourage the Sergeant also to track the number of victims and suspects thought to be involved, motivation, types of weapons used, and charges. This information is not systematically compiled at this time. **In addition, for some period, we think that hate crime investigations themselves should be monitored more closely by HCTF for comprehensiveness.**

It seems JIU only learns about an incident if a facility or court sends JIU a report. Otherwise, JIU likely will not find out about it. As a result, according to a knowledgeable source at JIU, some of the reports we sought to obtain, though known to JIU, were not obtainable because they were never sent to JIU or not sent in a timely manner. We recommend that the Department remind facilities and courts consistently to send hate crime reports to JIU for investigation.

**It is critical that JIU begin more accountable and systematic recording and investigation of hate crime cases. Now that there is a database internal to JIU tracking some of this information, it is essential that it continues to be utilized and monitored, and a systematic record of hate crimes be developed.**

Finally, jail personnel have argued to us that what constitutes a hate crime on the streets is not a hate crime in the jails; the jail is simply a world in of itself. Since nearly all jail attacks arise out of some sort of racial or gang-related animus, the argument goes, not all of these attacks can be labeled as hate crimes. In fact, according to this line of thought, the very study of hate crimes within the jail is misguided because nearly all crimes within the jail spawn from the hate-filled dynamics of inmates.

We respectfully disagree with these arguments. The very fact that crimes arise out of racial hate shows a clear racial animus at work. In such a case, an investigation of a hate crime, and a hate crime charge enhancing the underlying criminal misconduct, is appropriate. As a Department detective told us, it is dangerous to approach a jail crime with the premise that hate crimes, as defined on the streets, rarely occur in the jails. A detective with that understanding “isn’t going to investigate the crime as a possible hate crime if [they] are already under the idea that there aren’t hate crimes in jail. [Hate crimes] are harder to investigate because of the unwritten rules inside the jail. It is hard to get an inmate to testify against another inmate because they are in that world. If you have a remote belief [that the case] may be racially motivated and that is the sole motivating factor, it definitely should be looked at as a hate crime until proven otherwise. Every crime that occurs on the street can occur within the jails. It is totally wrong [to think] that it is a hate crime on the street but not in the jail.” We note that there is no official definition of hate crimes that excludes crimes of that nature in the jail setting. Therefore, unless written to the contrary, we will continue to assume that hate crimes, wherever committed—be it in the jail or on the street—are hate crimes, including those described in this report and provided to us with a hate crime statistical code.

## IV. The Share Tolerance Program

The Share Tolerance Program, inaugurated in October 2008, embodies the creative determination of dedicated Department deputy sheriffs to combat hate crimes proactively in Los Angeles County. The program's mission—to develop a sense of leadership about tolerance among high school students—is conveyed by means of a combination of a uniformed deputy sheriff, a facilitator, a film, and a trailer. When combining all three elements and led by an experienced and charismatic presenter, we believe this program is an exceptional way to share the values of tolerance.

### A. *The Creation of the Share Tolerance Program*

Chief Neal Tyler, Field Operations Region I, and then-Commander **Cecil W. Rhambo, Jr., Field Operations Region II**, came up with the idea to create a tolerance-training program for students, led by officers. They were frustrated that certain Department stations—particularly in Region I—had disproportionate numbers of hate crimes, and wanted to take a proactive approach before the crimes were committed. Before this, there was no systematic, large-scale method for dealing with problems of race, religion, or gender intolerance among members of the public.

While brainstorming various approaches, such as a tolerance museum in Region I, the idea of a mobile museum surfaced, leading to the larger idea of the Share Tolerance Program. They believed that a vital element of the program's uniqueness and efficacy lay in having regular uniformed deputies speak as “crusaders again intolerance,” instead of the usual community members decrying it.

Chief Tyler turned to Lieutenant Michael Bornman, then with the Crescenta Valley Station, to implement the idea. Working with then-Commander **Rhambo, Lt. Bornman obtained funding from** Narcotics Assets Forfeiture Money, as well as from the Weingart Foundation and Supervisor Michael D. Antonovich. Lt. Bornman acquired a trailer and created a custom-built mobile theater which seats up to 25 people. He hired a graphic designer to create a distinctive taxi-cab yellow exterior, with vibrant graphics and words.

The team next sought to generate the audio-visual component. They hired Reserve Deputy Joseph Nasser, who runs an independent film company, to create a film. The LASD Hate Crimes Task Force provided the production company with actual recent hate crime incidents from which to create a 35-minute documentary film about hate crimes in Los Angeles. While the Department provided the incidents, the film company supplied the creative elements to the film.

The film is powerful and beautifully edited. There are four chapters. Each chapter begins with a black screen title page. The title of the chapter appears—“Racism,” “Hate Crime,” “Ethnic Cleansing,” or “Intolerance”—with a definition of the word. After a few seconds, the sound of rumbling is heard, followed by a shotgun being cocked, transitioning into the chapter content.

The Racism chapter is narrated by an African-American woman who had food thrown at her and was called “Nigger” while jogging in her predominantly white neighborhood. The next chapter is narrated by two teenagers who were beaten up by African-American schoolmates for being of Mexican descent. One of the victims has permanently distorted vision as a result of the beating. The third chapter is told by the white mother of a bi-racial son who was killed as part of a Mexican Mafia gang order to ethnically cleanse the neighborhood of African-Americans. The last chapter is narrated by both victim and aggressor: a gay man recounts his being beaten as a fourteen-year old by white supremacists; the film shows a later serendipitous meeting between the victim and one of his attackers, a reformed white supremacist. All of the incidents occurred in Los Angeles County. Other narrators in the film include clergy, teenagers, mothers of victims, an LASD detective, and a school administrator. The editing is fast paced, fluid, and emotional without being sentimental. In discussions and evaluation forms, students were most moved by the testimony of the mothers who spoke about losing their children to hate crimes.

Interestingly, the film focuses primarily on acts of hate against Latinos, African-Americans, and gays. There is some verbal mention or visual imagery of hate crimes against Jews, Asians, Muslims, or any other ethnic, religious, or sexual-orientation group. When asked why this is, Chief Tyler responded that the film’s utility for training indicated a limit on its length, and therefore emphasized those

hate crime cases that currently represent the most prevalent challenges in Los Angeles.

The film, when viewed in the custom-designed trailer, is the heart of the Share Tolerance presentation. Within seconds, it draws the viewer in with forceful and youthful energy, and hones in on the serious and heartbreaking ramifications of hate crimes.

While Chief Tyler says that the centerpiece of the program is not supposed to be the film or trailer but a Deputy Sheriff speaking in his uniform and decrying intolerance, the program nevertheless draws much of its emotional component and relevance to youth from the trailer-film combination.

The Share Tolerance program operates on a shoestring budget. Officers do not get paid extra or overtime for facilitating. It is time voluntarily taken out of their normal duties. A sole deputy, Deputy Greg Chatman, coordinates all scheduling, drives the trailer, and acts as the main facilitator for the program.

As of April 2010, there is only one trailer, which operates singularly in Region I. Region II shows the film as part of its Vital Intervention and Directional Alternatives (V.I.D.A.) program, using a projector on a classroom board. While the film is still powerful in this format, it is nowhere near as intense and impactful as in the trailer.

After the film, a deputy in uniform leads a 60-90 minute discussion. In a typical session, 2-3 deputies will tag-team facilitate. Chief Tyler, Sergeant David Jennings, and Deputy Gregory Chatman train new facilitators and supervise. If a deputy expresses interest in facilitating and is a good public speaker, Chief Tyler will train him or her in a half-day session. The deputies will conduct role playing among themselves. Either Deputy Chatman or Sergeant Jennings has been present at every session to observe which facilitators need more training. There are 76 individuals listed on Region I roster as facilitators and 30 in Region II who present through V.I.D.A. or help out in Region I.

Currently there is no structured mechanism for incorporating students who want to become student leaders in the program. At every session, the facilitator asks



students to note if they are interested in being student facilitators on their evaluations. In February 2009, Chief Tyler asked a freshmen class in Region I if they would like to help facilitate the following year as sophomores. Eight students volunteered and showed up a year later to help facilitate the new freshman class. We think this is a wonderful way to incorporate students actively and produce future leaders against intolerance. **We encourage the LASD to develop this part of the program in a more structured way.**

***B. The Presentation and Substance of the Share Tolerance Program***

Along with Chiefs Tyler and Rhambo, Deputy Greg Chatman is the star of the Share Tolerance Program. He instructs about the dangers of stereotyping and not respecting others, without his audience even realizing they are being taught. His students are fully engaged at all times, laughing and participating, by virtue of his use of personal stories, role playing, energetic body language, and humor. When he presents, Deputy Chatman is a one man show on tolerance, making the topic not only relevant but vital. When deputies other than Deputy Chatman facilitate, we think the program's setup of deputies' tag teaming is effective.

After the trailer, during the facilitation part of the program, Deputy Chatman does not stand in front of the chalkboard, hands in his pockets, delivering monologues on not getting in trouble, respecting others, and considering a career in law enforcement—as did other deputies we observed.

Instead, he draws them out using the following techniques (which are also utilized successfully by some other energetic facilitators) role-playing, "Flip It," and personal examples. In role playing, envisioned by Chief Tyler as the heart of the facilitating part of the program, the facilitator has students come to the middle of the room and act out different scenarios designed to address issues of intolerance. We believe role playing is a critical part of the program's success when done correctly, because it actively engages students and replaces lecturing. For instance, the facilitators utilize a role play where students pretend to bring a girlfriend/boyfriend of another race or sexual orientation home to Thanksgiving dinner. Invariably the student pretending to be the father or mother shows an aversion to his or her child's partner. After repeating this role play several times,

students pretending to be the parent show a more open-minded approach to partners of other races or sexual orientations. The purpose of this exercise—to break down the stereotypes that can lead to hate crimes—is thereby conveyed through play and action instead of through lecturing.

Likewise, Deputy Chatman has coined a clever slogan, “Flip It,” and spends much of his presentation on peer pressure. By focusing on peer pressure, he tries to provide students with a way out of negative actions—such as bullying a peer over racial or ethnic differences. His “Flip It” idea is reiterated with a t-shirt featuring the slogan, which he wears over his uniform for this part of the session. Deputy Chatman then has students practice the idea of “flipping” the peer pressure through role-playing and scenarios he presents to the students. For instance, he’ll tell a student, “Your friends drive up to a store and tell you to go inside and steal something. You say no. They say if you were their friend, you would do it. So FLIP IT. Respond, ‘If you were my friend, you wouldn’t ask me to do that.’”

Finally, Deputy Chatman powerfully uses his own life experience to bring the messages of the program home to students. In one example, Deputy Chatman unravels a story about how he watched his best friend pass away, believing he was dying of meningitis; he found out afterwards that his friend was gay and had died of AIDS. Deputy Chatman passes around the funeral program and expresses consternation that his best friend did not feel he could be open to him and be accepted. The story is told with conviction and feeling. Deputies with such experiences and a willingness to share them are more effective facilitators than deputies who simply lecture the program’s mission statement, even if the intent and good will is the same.

At the end of another session, two LASD deputies spoke to the students about truancy and ditching. The deputies warned students against these misdemeanors in a zero-tolerance manner, threatening Juvenile Hall and other repercussions. We recommend that such public service messages not be tacked on to the end of Share Tolerance programs, despite the convenience of doing so for the Department. By ending the program on a note of warnings, any foundation of mutual tolerance and understanding created between the Department and students in the session is lost. We recommend that the last message the students receive be that of working

toward a more tolerant world, and that the crime prevention messages be provide in other settings.

**C.     *The Share Tolerance Program and the Los Angeles County Jail***

Now assigned to Custody Division, Lieutenant Michael Bornman is initiating the Share Tolerance Program at Men's Central Jail. The Department has provided him with a new classroom that he will decorate in the same hues as the trailer—bright lime, yellow, orange and green—and with the same graphic designer. Lt. Bornman hopes that the inverse of the school program will occur: where students walk from the light of a classroom into the darkness of the trailer, conversely, the inmates will walk from the darkness of jail into the bold colors of the designated classroom.

In this room, 25-30 inmates per session will receive an introduction to hate crimes, followed by a viewing of the film, and a 60-90 minute discussion. For security reasons, only low to medium security inmates will be invited to participate. A deputy will scan inmates in the modules to see who has already participated in the program, so that duplicate participation does not occur. Ideally, Lt. Bornman would like to run four two-hour presentations a day. The curriculum will be different from that at the schools. While they will also look at peer pressure, the discussion will look more at what are the qualities of a leader and how one can become a leader rather than a follower.

We look forward to seeing how Lt. Bornman creates a program unique to the jail setting. We believe that with the right curriculum and facilitators, it can be as meaningful as the program in the schools.

**D.     *The Share Tolerance Program and Parents***

As part of the V.I.D.A. program, deputies spend a session presenting the Share Tolerance program to parents of V.I.D.A. students. Officers tag-team to discuss hate crimes, show the film, and discuss its relevance to the parents. The belief is that hate is taught at home, not just by peers at school. If parents become more tolerant, students will as well.

We praise the Department for its foresight in having a Spanish-language interpreter at the session to translate the officers' presentations. We also would like

to see a new version of the film with Spanish subtitles or a version dubbed over in Spanish, to be shown in a separate classroom to the Spanish-only speaking parents. In the session we participated in, 40 percent of the parents only spoke Spanish.

This session engaged role playing and peer pressure lessons. One of the facilitators conveyed a message appropriately targeted to this particular audience: the importance of not teaching children how to hate. If a child asks a parent, “What do you think about that?” in reference to another racial group or political question, the facilitator encouraged parents not just to throw out an opinion. Otherwise, “That kid will carry that opinion of the other group for his whole life and will never know why.” Parents were instructed to slow down and think about what messages they convey in their home.

We think that incorporating the Share Tolerance Program into V.I.D.A. is an excellent use of V.I.D.A.’s time and a meaningful way to reach the roots of where prejudice may be learned: the home.

#### ***E. Recommendations for the Share Tolerance Program***

**In sum, we encourage the adaptation of the film to include Spanish subtitles or a Spanish-dubbed version.**

**We recommend filming Deputy Chatman and Chiefs Tyler and Rhambo in various sessions so other facilitators can learn how successful presentations are conducted. The program is only as strong as its best facilitators. Though some deputies may have good intentions and a willingness to facilitate, these qualities are not enough. Without corresponding charisma and personal experience, facilitators do not reach the students and the message of the program is lost.**

We think the practice of presenting to ninth graders and creating facilitators out of sophomores and juniors who participated the previous year is a worthwhile model. It reinforces the concepts of tolerance in the years after the initial session and creates student leaders against intolerance.

We know that budget is key to such programs and that they are often the first to be cut in economically challenging times. We believe strongly that when facilitated properly, the Share Tolerance Program is a moving, meaningful, and important program for the Department. There is no better way for the Department to convey to the community that its officers stand behind the idea of a tolerant society and have the duty to help create one in a combined effort between citizens and law enforcement.

## **Conclusion**

HCTF and the Share Tolerance Program are both excellent. So too are the hate crime investigations occurring at some stations. Santa Clarita and Lakewood Stations need improvement, as does hate crime investigation in custody facilities. We see room for growth in several areas, particularly in hate crimes trainings after the Academy, greater analyses in hate crime reports, and more accountability and tracking in jail hate crime investigations. We commend the Share Tolerance Program for bringing issues of hate and intolerance to the forefront of the Department's agenda and taking a proactive approach in addressing this topic in Region I high schools. We look forward to seeing the program expand and reach even more students.

Los Angeles County Sheriff's Department

# NEWSLETTER

Field Operations Support Services



Newsletter # 150

Date: March 8, 2000

## Hate Crimes

The following information was provided by Deputy Roberto Causey of the Training Bureau, Advanced Officer Training Unit.

### WHAT IS A HATE CRIME?

Any act of intimidation, harassment, physical force, or threat of physical force directed against any person, family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability, or sexual orientation, with the intention of causing fear or intimidation. [13519.6 (a) PC]

Thomas Jefferson, founding father of our country, established a foundation for fundamental human rights when he wrote in the Declaration of Independence, *"We hold these truths to be self evident: that all men are created equal, that they are endowed by their creator with certain inalienable rights. Among these are life, liberty, and the pursuit of happiness."*

When Thomas Jefferson wrote these words "we," was he being inclusive or exclusive? Was he including the Native Americans who were here when settlers arrived, or the African Americans who were brought here as slaves? As we review our history it is plain to see that "we," did not mean everyone -- at least in practice. Laws prohibited Native Americans from drinking and owning property. Similar laws worked to ensure that African Americans would be enslaved.

Today, individual rights, inherent to all human beings and supported and protected by law enforcement, have been repeatedly upheld and reinforced at the national and state levels. Yet, we continue to see increases in cross burning, Jewish cemetery desecrations, beatings of gay men and

racially motivated violence; all examples of what is popularly referred to as *"hate crime."*

### WHAT IS THE PROBLEM?

State and national leaders have stated that bias-motivated hate crimes will not be tolerated. Nationally, educational programs devoted to teaching tolerance and valuing differences have been initiated. Yet hate crimes persist. Evidence of this hatred was certainly apparent across America in 1995:

- ☐ 20 hate related murders were reported nationwide in 1995.
- ☐ Nationally, gays and lesbians were the most frequent target of violent hate crimes.
- ☐ 61% of all hate crimes were racially motivated, mostly against African Americans.
- ☐ Hate crime against African Americans, Whites, American Indians, Asians, Hispanics, Jews, Gays and Lesbians all increased during the last year.
- ☐ Additionally, it is widely held that hate crimes are seriously under-reported by victims. If this is true, then these statistics are but a reflection of a much larger problem.

### WHY ALL THIS HATE?

There are no easy answers to this dilemma. However, fear and alienation play an important role. Several studies indicate the increase of hate violence in our communities can be attributed to:

- ☐ A growing pattern of economic prejudice built upon the stereotype that minorities are making economic gains which threaten the economic and social well being of others;

- ☐ The unprecedented numbers of Latin American and Asian immigrants have drastically changed many neighborhoods which are unprepared for the social, economic, political, and criminal justice system consequences of multicultural living;
- ☐ The higher visibility of gay men, often identified as "easy targets" who are unable to fight back, combined with the increasing national fear about AIDS; and
- ☐ The increasing lack of social preparedness of most young people when plunged into a multi cultural school environment.

### WHO COMMITS HATE CRIME?

Hate offenses are directed against members of a particular group simply because of their membership in the group. Most hate crimes do not involve organized hate groups, whose members are dedicated to the goal of achieving racial purity. These crimes are more often committed under ordinary circumstances by otherwise ordinary people.

Most hate crimes are committed by individuals, either groups of friends or informal associations. There is a long history of organized hate groups in the United States serving to motivate the actions of individuals. These groups either have a history of being violent themselves, like the KKK, or tend to motivate others to commit crimes, like the White Aryan Resistance (WAR).

In a study conducted by Northeastern University, in a majority of incidents there were four or more attackers versus one victim. Another study conducted by criminologist Jack McDevitt indicated that 64% of hate crimes involved more than one perpetrator and the majority of crimes studied involved more than four. In 85% of these cases, the perpetrators were unknown to the victims.

Youth seems to be one characteristic of most hate crime perpetrators. The average age of those arrested for hate crimes is almost exactly that of the national average age of those arrested for all types of crime – under 20 years old. Jack McDevitt has developed a typology of juveniles; they fall into three categories: Thrill seeking,

Reactive, and Mission.

Thrill seekers have no precipitating incident. They seek out locations where their victims may congregate. Their targets are interchangeable. They do not believe society cares about their victims. Gays are often targets.

Reactive perpetrators are responding to some type of a triggering incident. Typically they do not leave their neighborhoods. They wish to send a message.

Mission perpetrators are the rarest form. They seek to rid the world of evil by disposing of members of a certain group. They are generally mentally unbalanced, and may be leaders or hold high positions in organized hate groups.

### WHO ARE THE VICTIMS?

There is no race, religion, ethnic group immune from becoming the victim of a hate crime. Most frequently, however, victims are representatives of groups considered by the perpetrator to be marginal to society.

We can identify the most common groups of people targeted in hate crimes:

- ☐ Blacks
- ☐ Asians
- ☐ Hispanics
- ☐ Jews
- ☐ Gays and Lesbians
- ☐ Other Minorities

It must be emphasized that hate crimes have risen to a proportion where there is no such thing as a "typical" victim. Every person is a potential victim. Where whites once were seen as "typical" hate crime perpetrators, now whites are numbered among the victims of hate crimes. Black-on-white hate crime has been noted with increasing regularity.

Law enforcement officers handling hate crimes must be aware that their responsibility does not stop at the investigation phase. Victims of hate crimes must know that they have the full support and protection of law enforcement. If the victim has taken the step of reporting the hate crime to





## Appendix B: Shooting and Force Tables

TABLE A Total LASD Shootings

	2004			2005			2006		
	On Duty	Off Duty	Total	On Duty	Off Duty	Total	On Duty	Off Duty	Total
Hit	36	1	37	28	0	28	26	2	28
Non-Hit	19	1	20	18	2	20	18	2	20
Accidental Discharge	8	3	11	1	1	2	3	2	5
Animal	28	1	29	34	0	34	29	1	30
Warning Shots	1	0	1	1	1	2	0	0	0
Other Shooting Incidents	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>92</b>	<b>6</b>	<b>98</b>	<b>82</b>	<b>4</b>	<b>86</b>	<b>76</b>	<b>7</b>	<b>83</b>

	2007			2008			2009		
	On Duty	Off Duty	Total	On Duty	Off Duty	Total	On Duty	Off Duty	Total
Hit	18	1	19	18	3	21	25	2	27
Non-Hit	21	0	21	14	2	16	10	5	15
Accidental Discharge	3	3	6	11	4	15	8	3	11
Animal	49	1	50	37	2	39	60	3	63
Warning Shots	0	0	0	1	1	2	0	0	0
Other Shooting Incidents	0	1	1	0	0	0	1	0	0
<b>Total</b>	<b>91</b>	<b>6</b>	<b>97</b>	<b>81</b>	<b>12</b>	<b>93</b>	<b>104</b>	<b>13</b>	<b>117</b>

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

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

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

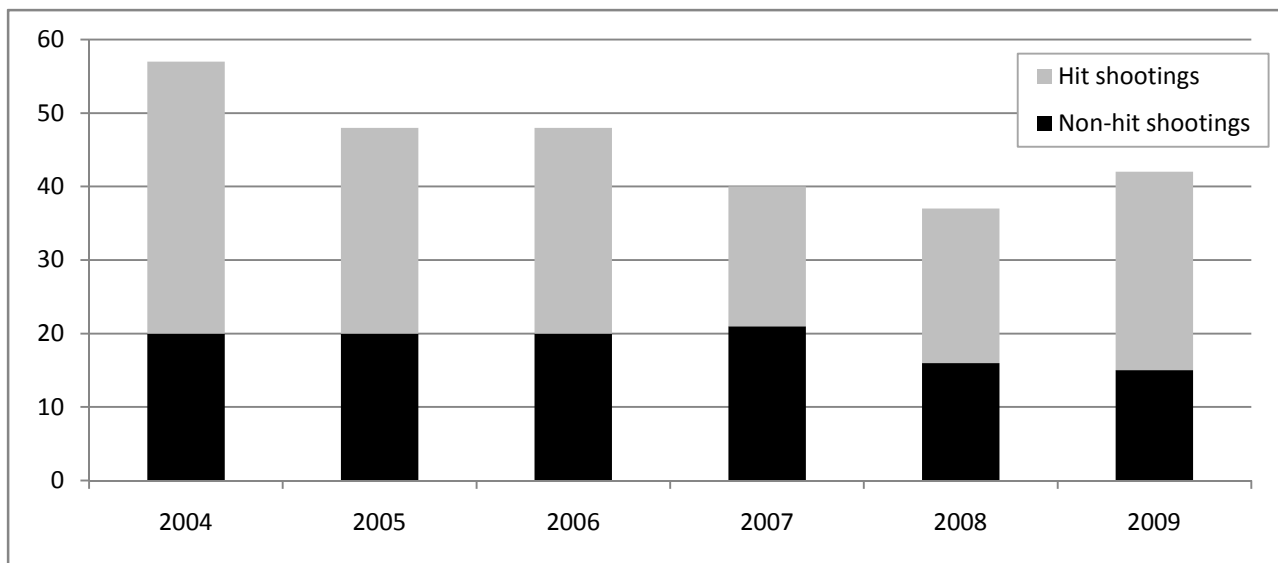
**Animal Shooting Incident:** An event in which a deputy(s) intentionally fires at an animal to protect himself/herself or the public or for humanitarian reasons, including instances in which a person is hit by the round.

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

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

Source: Internal Affairs Bureau

**TABLE B** LASD Shootings 2004 to 2009



Source: Internal Affairs Bureau

**TABLE C** LASD Hit Shootings by Unit

	2004	2005	2006	2007	2008	2009
<b>Number of Incidents</b>	<b>37</b>	<b>28</b>	<b>27</b>	<b>19</b>	<b>21</b>	<b>27</b>
Altadena Station	0	0	0	0	0	1
Carson Station	1*	1	1	1	0	1
Century Station	10†	5*	3	5	4‡	3
Cerritos Station	0	0	1	0	0	0
Community Colleges Bureau	0	1	0	0	0	0
COPS Bureau	0	0	1	3	0	0
Compton Station	6†	2	3	2	1	3
Court Services Bureau	0	0	1	0	0	1†
Crescenta Valley Station	0	0	0	0	0	0
East Los Angeles Station	0	2	2	1	2	1
Industry Station	1	1	2	0	0	0
Inmate Reception Center	0	0	0	0	0	1‡
Lakewood Station	4	1	2	1	1	0
Lancaster Station	1	1	0	1	1	0
Lennox Station	6	1	1	2	5‡	4
Lomita Station	0	0	0	1	0	0
Lost Hills/Malibu Station	0	0	0	0	0	0
Major Crimes Bureau	0	0	0	0	1†	1
Marina Del Rey Station	1	0	0	0	0	0
Men's Central Station	0	0	0	0	0	0
Mira Loma Facility	0	0	0	0	0	0
Miscellaneous Units	0	0	0	0	0	0
Narcotics Bureau	0	0	0	1	0	0
North County Correctional Facility	0	0	1*‡	0	0	0
Norwalk Station	2	0	1	0	0	1
Operations Bureau	1†	0	0	0	0	0
Operation Safe Streets	3†	3	1*	1	2†	4
Palmdale Station	0	2	3	0	1	2
Pico Rivera Station	1	1	0	0	1	0
San Dimas Station	0	0	0	0	0	1
Santa Clarita Valley Station	2	1	1	0	0	0
Special Enforcement Bureau	0	2†	2	0	2	1
Temple Station	0	2	1	0	0	2†
Twin Towers Correctional Facility	0	0	0	0	1‡	1‡
Transit Services Bureau	1	1*	1‡	0	0	0
Walnut Station	0	0	0	0	1	0
West Hollywood Station	0	1	0	0	0	0
<b>Number of Suspects Wounded</b>	<b>27</b>	<b>17</b>	<b>19</b>	<b>14</b>	<b>12</b>	<b>11</b>
<b>Number of Suspects Killed</b>	<b>12</b>	<b>12</b>	<b>11</b>	<b>5</b>	<b>9</b>	<b>16</b>

\* Includes one incident in which more than one person was shot.

† One incident involved members of one or more other units.

‡ Includes one off-duty shooting.

**TABLE D** LASD Non-Hit Shootings by Unit

	2004	2005	2006	2007	2008	2009
<b>Number Of Incidents</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>21</b>	<b>16</b>	<b>15</b>
Carson Station	1†	1	0	0	0	1
Century Station	5†	3	3	5	4	2‡
Cerritos	0	0	0	0	0	0
COPS Bureau	0	0	1	1	0	1
Compton	3	3	1	0	1	0
Court Services Bureau	0	0	0	0	1‡	2‡
Crescenta Valley Station	1	0	0	0	0	0
East Los Angeles Station	0	2	0	2	2	1
Gang Murder Task Force	0	2	1	0	0	0
Homicide Bureau	0	1	0	0	0	0
Industry Station	0	1	0	0	0	0
Lakewood Station	0	0	0	0	0	2
Lancaster Station	1	0	2	2	0	0
Lennox Station	1	2	3	2	0	0
Lost Hills Station	1	1	0	0	0	0
Marina del Rey	0	0	0	0	0	0
Men's Central Jail	0	0	1‡	0	0	0
Narcotics Bureau	0	0	1	0	0	0
Norwalk Station	0	0	0	3	0	0
North County Correctional Facility	0	0	1‡	0	0	0
Operation Safe Streets	3	4	4	4	2	1
Palmdale Station	0	0	0	0	1	1‡
Pico Rivera Station	0	0	2	0	1	0
San Dimas Station	0	0	0	1	0	0
Santa Clarita Valley Station	1	0	0	0	3	0
Special Enforcement Bureau	1	0	0	0	0	1
Temple Station	0	0	0	1	0	1
Transit Services Bureau	2	0	0	0	1‡	0
Transportation Bureau	0	0	0	0	0	1
Twin Towers Correctional Facility	1‡	0	0	0	0	0
Walnut Station	0	0	0	0	0	0
West Hollywood Station	0	0	0	0	0	1

\* Includes one incident where more than one person was shot.

† One incident involved members of another unit.

‡ Includes one off-duty shooting.

<b>Incidents Resulting in Force/Shooting Roll-Out</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
	<b>115</b>	<b>93</b>	<b>82</b>	<b>83</b>	<b>105</b>	<b>111</b>

**TABLE E LASD Force**

<b>Department Wide*</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007**</b>	<b>2008</b>	<b>2009</b>
Force Incidents (Total )	2643	2772	2994	2,875	2,752	2,830
Total Force/100 Arrests	2.69	2.58	2.52	2.29	1.81	1.84
Significant Force: Hopitalization/Death/100 Arrests	0.01	0.02	0.01	0.01	0.01	0.01
Significant Force: Visible Injury/100 Arrests	0.78	0.76	0.73	0.73	0.63	0.70
Significant Force: Complaint of Pain/100 Arrests	0.42	0.43	0.37	0.33	0.24	0.27
Significant Force: No Complaint of Pain/Injury/100 Arrests	0.28	0.28	0.24	0.24	0.21	0.25
Total Less Significant Force Incidents/100 Arrests	1.19	1.09	1.17	0.97	0.72	0.65
OC Spray/100 Arrests	0.71	0.65	0.70	0.56	0.39	0.33
<b>Field Operation Regions (FOR)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007**</b>	<b>2008</b>	<b>2009</b>
Region I Force Incidents	496	527	559	573	573	608
Per 100 Arrests	1.44	1.31	1.36	1.08	1.08	1.25
Region II Force Incidents	634	638	581	588	588	504
Per 100 Arrests	2.35	2.23	2	1.58	1.58	1.40
Region III Force Incidents	354	362	323	342	342	312
Per 100 Arrests	1.16	1.19	1.05	1.01	1.01	0.9
Office of Homeland Security Force Incidents	NA	NA	NA	122	122	190
Per 100 Arrests	NA	NA	NA	0.57	0.57	0.72
FOR and OHS Total Force Incidents	1484	1527	1555	1659	1659	1649
Per 100 Arrests	1.61	1.54	1.46	1.12	1.12	1.10
<b>Field Operation Regions and Office of Homeland Security</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007**</b>	<b>2008</b>	<b>2009</b>
Region I, II, and III, and OHS Significant Force	782	850	826	978	972	1,039
Per 100 Arrests	0.085	0.86	0.77	0.80	0.65	0.70

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

\*\* CAASS Arrest Data (2007 only)

**TABLE F: Force/100 Arrests All Patrol Stations**

<b>Station</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007**</b>	<b>2008</b>	<b>2009</b>
Altadena	1.31	1.89	1.47	1.21	1.03	1.36
Crescenta Valley	1.15	2.03	1.67	1.71	2.00	1.46
East LA	1.14	1.46	1.27	1.35	1.42	1.84
Lancaster	1.54	1.34	1.28	1.03	0.82	0.96
Lost Hills/Malibu	1.21	1.36	1.94	1.17	1.05	1.69
Palmdale	1.37	0.77	1.24	1.07	1.30	1.19
Santa Clarita	1.95	1.96	1.49	1.64	0.96	1.29
Temple	1.39	1.4	1.39	1.36	1.04	1.21
<b>Region I Totals</b>	<b>1.44</b>	<b>1.31</b>	<b>1.36</b>	<b>1.22</b>	<b>1.08</b>	<b>1.25</b>
Avalon	2.49	3.26	6.04	1.49	1.37	0.8
Carson	1.77	1.8	1.86	1.55	1.57	1.41
Century	3.18	1.98	206	1.44	1.44	0.97
Community College	7.03	7.27	14.29	9.32	11.65	12.61
Compton	1.86	1.85	1.97	1.46	1.35	1.29
Lomita	1.17	0.66	1.29	0.86	0.74	1.46
Lennox	1.24	1089	1.73	1.84	1.77	1.23
Marina del Rey	1.29	1.23	1.24	1.25	0.78	0.95
Transit Services Bureau***	4.53	1.79	NA	NA	NA	NA
West Hollywood	2.71	2.41	2.43	2.04	2.59	3.22
<b>Region II Totals</b>	<b>2.35</b>	<b>2.23</b>	<b>2.00</b>	<b>1.69</b>	<b>1.58</b>	<b>1.4</b>
Cerritos	1.73	1.24	1.29	1.10	0.75	1.02
Industry	0.97	0.84	0.72	0.74	0.64	0.53
Lakewood	1.41	1.38	1.24	1.18	1.65	1.31
Norwalk	1.26	1.45	1.23	1.41	1.06	0.88
Pico Rivera	0.95	1.07	0.79	0.73	0.80	0.96
San Dimas	0.62	0.66	0.65	0.97	0.77	0.67
Walnut	0.87	1.15	1.66	1.13	0.66	0.99
<b>Region III Totals</b>	<b>1.16</b>	<b>1.19</b>	<b>1.05</b>	<b>1.03</b>	<b>1.01</b>	<b>0.90</b>
Transit Services Bureau	NA	NA	1.64	0.9	0.86	1.02
Metro-link Bureau	NA	NA	1.28	0.41	NA	NA
<b>Office of Homeland Security Totals</b>	<b>NA</b>	<b>NA</b>	<b>1.62</b>	<b>2.23</b>	<b>0.57</b>	<b>0.72</b>

Source: LASD/MIS/CARS

\*\* CAASS Arrest Data (2007 only)

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