

Los Angeles Police Department



BOARD OF INQUIRY
into the

RAMPART AREA CORRUPTION INCIDENT

Executive Summary

BERNARD C. PARKS
Chief of Police

March 1, 2000

INTRADPARTMENTAL CORRESPONDENCE

March 1, 2000

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: BOARD OF INQUIRY INTO THE RAMPART CORRUPTION INCIDENT

Honorable Members:

It is requested that the Board approve the enclosed Report of the Board of Inquiry that was convened to gather facts related to the Rampart Area corruption incident. Upon approval, the report should be forwarded to the Mayor and City Council for appropriate action. The Board of Inquiry's report contains many thoughtful short and long-term recommendations that we believe are necessary to prevent similar incidents from occurring in the future. As the City's formal budget process begins in mid-April, there is some urgency in reaching consensus on several key recommendations requiring financial support.

As we have discussed on several occasions, this is the first of at least two public reports that will be issued regarding the corruption investigation. This first report examines and analyzes the management aspects of the incident including a Departmentwide examination to determine the breadth and depth of the problem. Recognizing our responsibility to be open and candid with the public we serve, an executive summary has also been prepared and, along with the full report, is now available to the public on the Department's Web site (www.lapdonline.org). As a Board of Inquiry (BOI) is a fact-finding body, extensive follow-up investigation will be required into the personnel issues identified through the BOI process. To facilitate that effort, a complete record of the Board's findings, which includes legally-protected personnel and disciplinary issues, has been compiled and will be used to ensure those issues are addressed.

Similar to the public report we issued several years ago at the conclusion of the Fuhrman investigation, a second report will be issued after the Rampart Task Force has completed its investigation. We believe it is imperative that full and complete public disclosure occurs regarding this investigation including public disclosure of the exact nature and disposition of each allegation. Given the complexity of the Rampart investigation and the need to investigate these charges fully and thoroughly, we would expect that report to be issued in about a year. Until that time, the Department will continue to brief the Board of Police Commissioners, as well as the Mayor and City Council, regarding the investigation's progress, which is

being conducted jointly with the District Attorney's Office and the Office of the United States Attorney General.

We believe it is important to state once again, that the Los Angeles Police Department discovered this corrupt behavior and immediately initiated a comprehensive investigation into the entire matter. For almost two years now, we have committed substantial resources to that investigation and will continue to do so as the investigation progresses. At no time did we attempt to hide or keep this incident from the public. On the contrary, we made immediate and full disclosure to the Board of Police Commissioners, the Office of the District Attorney, the United States Attorney's Office, and then to the public. We continue to work hand-in-hand with the prosecutorial agencies and are submitting the results of each investigation to them for criminal filing. As I committed to the people of Los Angeles in August 1998, we will thoroughly investigate every criminal lead and allegation of misconduct to its appropriate disposition.

It is important to remember during this difficult time that the vast majority of our officers are hard working, honest and responsible individuals who come to work every day to serve their communities. However, as human beings we know that certain events indelibly alter our lives, whether we realize it at the time or not. Anyone who has experienced the death of a child, or suffered through the humiliation of being victimized by a violent crime, knows they can never again look at the world in the same way. Organizations too have those defining moments and the events that have been uncovered in Rampart will and should be just such a life-altering experience for the Los Angeles Police Department. The men and women who chose to involve themselves in this disgraceful activity will be dealt with. But, we as an organization must recognize that, while they individually and collectively provided the motivation, we as an organization provided the opportunity. Our failure to carefully review reports, our failure to examine events closely to identify patterns, our failure to provide effective oversight and auditing created the opportunity for this cancer to grow. So, as tempting as it may be to declare the battle over and the war won, we must never forget that this occurred and be ever vigilant that we never allow the opportunity for this to occur again.

BERNARD C. PARKS

Chief of Police

Enclosures

PREFACE

In 1996, the Department of Justice convened the National Symposium on Police Integrity. The 200 participants in this three-day meeting included police chiefs, sheriffs, police researchers, members of other professions, and community leaders. In addition to the United States, there were representatives from the United Kingdom, the Netherlands, Sweden, Belarus, Nicaragua, Haiti, El Salvador, and Honduras. The results of that symposium were published in January 1997 and included the thoughts and observations of many national leaders from Attorney General Janet Reno to Dr. Vicchio, a professor of philosophy at the College of Notre Dame in Baltimore¹.

Though there are a number of interesting and insightful viewpoints expressed in that publication, there is one in particular which is most relevant to the issues at hand. That observation came from Captain Ross Swope, Metropolitan Police Department, Washington, D.C. At the heart of Captain Ross Swope's remarks was a simple yet profound observation that:

“The major cause in the lack of integrity in American police officers is mediocrity.”

Captain Swope went on to explain that mediocrity stems from the failure to hold officers responsible and accountable. It comes from a lack of commitment, laziness, excessive tolerance and the use of kid gloves. He felt that dealing with mediocrity is perhaps the greatest contemporary challenge to American law enforcement.

When asked to explain how mediocrity is dangerous, Captain Swope drew an analogy of the bell curve. At the high end of the bell curve are those officers who practice all the core values: prudence, truth, courage, justice, honesty and responsibility. At the other end, are the officers with few of those values. In the large middle are those officers who have some or most of the core values. The extent of moral influence in a police department depends on the extent to which the lower and upper portions influence those in the middle. The men and women who control that influence are sergeants, lieutenants and captains. The irony is that everyone within a work place knows full well which of the three categories their co-workers fall into. When officers in the middle see that officers at the bottom end are not dealt with, they sometimes begin to imitate their behavior. Similarly, when those at the top end are recognized and rewarded, they become the workplace standard. The principal, though not exclusive, agents in encouraging top-end or allowing bottom-end behaviors are supervisors and middle managers. It is our sergeants, lieutenants and captains who have the daily and ongoing responsibility to ensure that the appropriate workplace standards are maintained. However, that observation in no way relieves upper managers from their responsibility to ensure that proper standards are being maintained in their subordinate commands by providing appropriate guidance, exerting their oversight responsibility and honestly evaluating the effectiveness of the commands for which they are ultimately responsible.

¹ “Police Integrity, Public Service with Honor” U.S. Department of Justice, January 1997

As you read this report from the Board of Inquiry, keep Captain Swope's observations in mind for we found, and you will see, that mediocrity was alive and well in Rampart up until about 1998. We are sad to report that we also found mediocrity threatening to engulf many of our other workplace environments as well. This is not to say or imply in any way that corruption is occurring throughout the Department, for we do **not** believe that is the case. However, there are strong indicators that mediocrity is flourishing in many other workplaces and the mindset of too many managers and supervisors is allowing it to occur. Rather than challenging our people to do their best, too many of our leaders are allowing mediocre performance and, in some cases, even making excuses for it.

If Captain Swope is correct in his observation that corruption follows mediocrity, and we believe that he is, then we must begin immediately to instill a true standard of excellence throughout the Department. In most cases, this will not require new programs or approaches to police work. However, it will require the scrupulous adherence to existing policies and standards, the ability to detect any individual or collective pattern of performance which falls short of that expectation, and the **courage** to deal with those who are responsible for those failures. Anything less will surely allow another Rampart to occur.

In conclusion, we would like to express our gratitude to the leadership of the subcommittees and work groups as well as the over 300 men and women who worked so tirelessly in conducting this Board of Inquiry. Tens of thousands of documents were meticulously reviewed and hundreds of interviews conducted. In many cases, this was done while people continued to fulfill the responsibilities of their primary assignment. We would also like to express our sincere appreciation to the nearly seventy men and women currently assigned to the criminal and administrative task forces pursuing the Rampart corruption investigation. Obviously, their story of dedication and tremendous personal sacrifice cannot be told now, but we are confident they will receive the recognition so clearly due them.

Deputy Chief Michael J. Bostic
Chair, Board of Inquiry

Police Administrator II William R. Moran
Associate Member, Board of Inquiry

Deputy Chief Maurice R. Moore
Associate Member, Board of Inquiry

Commander Daniel R. Koenig
Assistant to the Board of Inquiry

Board of Inquiry Into the Rampart Corruption Incident

Executive Summary

In late 1997 and early 1998, three incidents occurred in which Los Angeles Police Officers were identified as suspects in serious criminal activity. The incidents began on November 6, 1997, when three suspects robbed a Los Angeles Bank of America. The investigation into that robbery led to the arrest of Officer David Mack, who was assigned to West Los Angeles Area at the time, and his girlfriend, an employee of the bank. The second incident occurred on February 26, 1998, and involved the false imprisonment and beating of a handcuffed arrestee at the Rampart Substation. The officer who beat the suspect was Rampart CRASH Officer Brian Hewitt. Two other CRASH officers, one of whom was Ethan Cohan, were present and acquiesced to the beating. The third incident involved the March 2, 1998, theft of three kilograms of cocaine from the Department's Property Division. The investigation into that theft led to the arrest of Officer Rafael Perez, who was assigned to Rampart CRASH.

The investigations into these incidents disclosed that the suspect officers were closely associated, either as working partners or close friends, and all but one of them were assigned to Rampart Area. The only exception, David Mack, had previously been assigned to Rampart and was a close friend of Rafael Perez. Due to the seriousness of the criminal activity, commonality among the officers and potential for involvement of more Department employees, Chief of Police Bernard C. Parks formed a special criminal Task Force in May 1998, to investigate these incidents.

Hewitt and Cohan were terminated following their Board of Rights hearings, but the third officer was found not guilty by his board. (In Los Angeles, a three-member Board of Rights, composed of two staff or command officers and one community member, hears allegations of major misconduct. Each accused officer may select a separate Board and the Chief of Police can impose no greater penalty than the Board recommends.) The case against Hewitt has been presented to the District Attorney on two occasions, but was rejected both times for a lack of sufficient evidence. The District Attorney's Office is now reconsidering the case. The case has also been presented to the State Attorney General's Office, which declined to take further action on the matter. David Mack was convicted in federal court of bank robbery and resigned from the Department in lieu of termination. He has been sentenced to 14 years and 3 months in prison. The \$722,000 stolen in the robbery has not been recovered and his two accomplices have not been identified.

Rafael Perez' first trial resulted in a jury deadlock, eight to four in favor of a guilty verdict. The Department's investigative efforts during and after the first trial produced additional evidence that Perez was responsible for three additional cocaine thefts. He was also identified as being closely associated with known narcotics dealers, one of whom accompanied Perez, Mack and a third officer on a trip to Las Vegas immediately after Mack committed the bank robbery.

As the evidence against Perez mounted, Perez offered to plead guilty to the charges and cooperate with the LAPD Task Force detectives in exchange for a reduced prison sentence. Perez indicated that he could provide information on other Rampart officers who were involved in serious criminal activity and misconduct. Just prior to the second trial in September 1999, an agreement was reached for a reduced prison sentence in return for Perez' guilty plea and cooperation in providing information on corruption activities within the Department. Subsequent interviews of Perez have indicated that much deeper corruption was occurring at Rampart than was originally suspected. The Task Force, in conjunction with the Los Angeles District Attorney's Office and Office of the United States Attorney General, is pursuing that investigation.

On September 21, 1999, Chief Parks convened a Board of Inquiry (BOI) to assess the totality of the Rampart corruption incident without infringing on the work of the Task Force. The Board consisted of Deputy Chief Michael Bostic as Chair, Police Administrator II William Moran and Deputy Chief Maurice Moore, Associate Board Members, and Commander Daniel Koenig, Assistant to the Board. The Board was comprised of seven subcommittees and two work groups. Each of those entities was chaired by a staff officer who selected his or her own committee staff. This resulted in a cross section of over 300 people involved in the BOI process. Each subcommittee and work group investigated the issues within their area of responsibility and reported their findings to the Board. Following are the subcommittees and work groups and a brief description of their responsibilities.

The **Personnel** Work Group was chaired by Commander Betty Kelepecz. Her work group developed a complete profile of fourteen officers who were initially identified as possibly involved in this incident. (At the time of this report, no charges have been filed against most of these officers.) This included a thorough examination of the officers' pre-employment information as well as their complete work histories. It also included a full review of the Department's hiring standards and process.

The **Work Product** Subcommittee was chaired by Commander Garrett Zimmon. His subcommittee conducted a complete analysis of prior cases in which twelve of the fourteen officers had been involved. (Two were not examined to avoid interfering with the Task Force.) In addition, the subcommittee conducted a random sample of other specialized units throughout the Department to determine if similar patterns were present.

The Rampart **Supervision and Management** Subcommittee was chaired by Deputy Chief Carlo Cudio. Members of this subcommittee interviewed key managers and supervisors who were assigned to Rampart from 1994 to 1999. Their mission was to identify Rampart's management and supervisory profile during that period and to determine what, if any, corruption prevention/detection systems were in place. This included examining the level of oversight provided by Operations Central Bureau.

The **Risk Management** Work Group was chaired by Commander David Doan. This work group examined the four primary areas of risk management in an operational command—personnel complaints, uses of force, pursuits and traffic collisions—to determine what, if any, patterns existed in Rampart from 1994 through 1999.

The **Operations Systems** Subcommittee was chaired by Deputy Chief Charles Dinse. They reviewed the existing management and organizational structure for Areas and geographic bureaus to determine its effectiveness. They also examined the use of specialized units within Area commands as well as operational systems such as evidence control, booking and report approval, search warrant review, informant control, personnel evaluations, supervisory deployment, and management systems.

The **Management Review of Administrative Investigations** Subcommittee was co-chaired by Commanders Willie Pannell and Scott LaChasse. This subcommittee examined the thoroughness of our reporting, management review and auditing systems for non-disciplinary administrative investigations, including uses of force, pursuits and traffic collisions.

The **Officer-Involved Shooting Protocol** Subcommittee was chaired by Commander James McMurray. This subcommittee examined the way in which we respond to and investigate (criminally and administratively) all officer-involved shooting incidents including supervisory response, management oversight and evidentiary support.

The **Corruption Investigation Protocol** Subcommittee was chaired by Commander Margaret York. They were asked to identify a suitable protocol for handling major personnel investigations including cooperation with and notification to other law enforcement agencies, methods to determine breadth and depth of the problem, investigative oversight, and on-going case-management review to ensure investigative integrity.

The **Integrity Systems** Subcommittee was chaired by Deputy Chief Gregory Berg. This subcommittee conducted an internal review of our existing corruption-prevention systems including training programs as well as a nationwide review of corruption-prevention practices to identify the “best practices.”

After careful consideration of the information developed during the Board of Inquiry’s work, it is the Board’s view that the Rampart corruption incident occurred because a few individuals decided to engage in blatant misconduct and, in some cases, criminal behavior. Published assertions by former Rampart CRASH Officer Rafael Perez that the pressure to produce arrests caused him to become corrupt, simply ignores the fact that he was convicted of stealing narcotics so he could sell them and live the life style of a “high roller.” Even the finest corruption prevention system will not stop an individual from committing a crime if he or she has the will to do so. However, had the Department and the Rampart management team exercised more vigorous and coordinated oversight of Area operations, and its CRASH unit in particular, the crimes and misconduct that occurred may have been prevented, discouraged, or discovered much earlier.

It is very clear that many of these officers allowed their personal integrity to erode and their activities certainly had a contagion effect on some of those around them. We, as an agency, must learn from what they did and establish systems to prevent and detect similar patterns and activities should they occur in the future. This scandal has devastated our relationship with the public we serve and threatened the integrity of our entire criminal justice system. Distrust,

cynicism, fear of the police, and an erosion of community law and order are the inevitable result of a law enforcement agency whose ethics and integrity have become suspect. Clearly, public safety in this City has been harmed and it will take strong resolve by Department personnel, along with equally strong support from our City's leaders, to correct the problems that allowed this breakdown. Hopefully, the findings of this unprecedented Board of Inquiry process will lead to meaningful remedial steps being put into practice to ensure a future LAPD of the highest ethical and integrity standards.

In developing its recommendations, the Board focused its efforts on those issues which are both critical to ensuring a corruption-free Department, and achievable with minimal budgetary impact. The Board deemed it critical to outline a path forward that is clear and achievable and one that will enable the Department to attain and maintain a corruption-free organization. We also recognize that many people will be evaluating these recommendations in the months to come. Therefore, it is important to recognize that most of these recommendations come down to the same basics inherent in any criminal activity, those being motive and opportunity. In order for corruption to exist, there must be a group of employees motivated to commit crimes and breach the public's trust; **and**, there must also be an opportunity for them to become involved in those activities. To facilitate review, the Board categorized its recommendations into nine general areas:

- Testing and screening of police officer candidates
- Personnel practices
- Personnel investigations and management of risk
- Corruption Investigations
- Operational Controls
- Anti-corruption inspections and audits
- Ethics and integrity training
- Job-specific training
- BOI work that should continue

Testing and Screening of Police Officer Candidates

Pre-employment information on four of the profiled officers raises serious issues regarding their employment with the Department. Criminal records, inability to manage personal finances, histories of violent behavior and narcotics involvement are all factors that should have precluded their employment as police officers. However, these officers were hired in spite of these factors being discovered during their pre-employment screening. In three cases, the Police Department recommended their disqualification, but they were cleared for hiring by the Personnel

Department, which has final authority to deselect police officer candidates. Three of these men were hired before the Independent Commission report was published in 1991. As their hiring predates the “reforms” that followed, it is tempting to attribute these hiring failures to factors corrected long ago. However, that does not explain the fourth officer hired three years later in spite of information that he had sold narcotics as a juvenile and was involved in a vehicle tampering incident.

While it is impossible to substantiate completely, it appears that the application of our hiring standards was compromised when these officers were hired during periods of accelerated hiring in the late 1980s and early 1990s. This is not to say that anyone intended to do so. But, one need only look at the pre-employment histories of these four people to see that something was seriously wrong when they were approved for hire. The fact that these men were hired with egregious information in their packages leaves only two explanations: 1) Recognize that erosion has occurred and shore up the systems to prevent it from recurring; or, 2) Insist that the application of our standards did not erode, which means that criminal conduct, drug dealing, financial irresponsibility and violent behavior are consistent with our standards. Clearly, there has been erosion, the blame for which cannot be placed on one individual or group, but rather on a multifaceted system with competing interests. So, as painful as it may be, we must recognize that this problem has not been solved, but it must be if we are to provide the people of this City with the quality of law enforcement it deserves.

1. State law should allow a law enforcement agency screening a candidate for employment, access to the applicant’s full criminal history including any criminal record that may have been sealed by a court. Several candidates had juvenile criminal histories that had been sealed by the court making them unavailable for consideration during the hiring process.
2. All publicly available information should be obtained on candidates, particularly those from out-of-state, and utilized to assess a candidate’s suitability to be a Los Angeles Police Officer. There are a multitude of public information databases which provide this information with the speed of the Internet. The cost would vary depending upon the type of data requested and the speed with which the information is required. This up-to-date resource base on candidates has the ability to increase the depth of the background investigation including access to court and county records nationwide. A cost analysis would have to be done to determine if this information should be “out sourced” (contracted through a private vendor) or self-contained within the Department.
3. The services of retired officers residing throughout the country (and world if necessary) should be utilized as occasional contract investigators (Interview Specialist) to ensure that a thorough in-person background investigation is conducted. The information obtained from in-person interviews greatly outweighs any costs associated with such a program and the reduced wages and travel expenses make the use of out-of-state investigators extremely cost effective.
4. The California State Commission on Peace Officer Standards and Training (POST) should be asked to convene a statewide task force to examine psychological testing of police officer candidates.

5. To improve the psychological screening of candidates in the meantime, consideration should be given to transferring the responsibility for candidate psychological testing to the Police Department's Chief Police Psychologist. This may require a Charter change, but would allow the system to become a more efficient process and resolve fitness for duty issues in a more timely manner. Under the direction of the Chief Police Psychologist, screening would be conducted by outside specialists on a personal service contract. If this responsibility is not transferred to the Police Department, the Police Department's Behavioral Science Services staff must at least be allowed to become a partner in the process and take an active role in the psychological screening of police candidates.
6. In any case, the psychologists conducting future psychological evaluations should retain all of their notes in the candidate's file. The Board was quite surprised to discover that Personnel Department's psychologists routinely destroyed the notes they took during a candidate's screening interview. This practice is inconsistent with the Records Retention Schedule established for such documents and seriously hampered the Board's ability to review the thought process involved in hiring several of the profiled officers.
7. In the short term, the polygraph must be authorized as a routine investigative tool whenever a potentially disqualifying issue arises during a candidate's background investigation. The current Civil Service Commission (CSC) policy requiring CSC approval for each and every polygraph use is unnecessarily burdensome and severely limits the use of this valuable investigative tool.
8. For the long term, polygraph examinations should be administered routinely to all police officer candidates prior to conducting their background investigation with a particular emphasis on drug use and integrity issues. The cost associated with this effort will undoubtedly be offset by the reduced costs associated with disciplinary and litigation processes generated by problem officers.
9. As the Chief of Police is ultimately responsible for the Department's performance, including the performance of its employees, the Chief of Police should have ultimate responsibility for determining the eligibility of applicants and selecting the best police officer candidates, not the Personnel Department.
10. The Personnel and Police Departments must come to agreement on a common understanding and interpretation of the current guidelines for candidate deselection. Several of the profiled officers clearly should not have been hired. The Police Department recommended the disqualification of several profiled officers for integrity issues, drug use and violent histories. In each case, those recommendations were overruled by the Personnel Department which concluded there were insufficient grounds for disqualification. Obviously, the two departments see the standards very differently, a difference which simply must be resolved.
11. In the long term, the current disqualification standards must be revised to disqualify candidates whose past conduct clearly shows they are not suited to be police officers.

12. Specific guidelines must be established for candidates who appeal their disqualification to the Civil Service Commission or General Manager of the Personnel Department. These guidelines must establish consistent, job-related factors in assessing a candidate's suitability including consideration of the candidate's complete package.

Personnel Practices

The Board of Inquiry's work included a thorough review of the Department's personnel practices. In addition to a lack of confidence in the accuracy of our personnel evaluation system, it was discovered that several key Rampart supervisors had not received personnel evaluations in years. The Board also found that assignment to Rampart CRASH appears to have been based upon a system of "sponsorship" under which potential members were effectively nominated by existing members of the unit rather than by supervisors or managers. The lack of advanced paygrades in CRASH and other Area specialized assignments precludes the assignment of more experienced officers to those assignments. Clearly, several existing personnel practices need to be shored up and, in some cases, completely revised.

13. We must improve our data capturing and input infrastructure for the Training, Evaluation and Management System (TEAMS). Whereas multiple entities are responsible for inputting data into the system, one entity must be designated to conduct continuous audits of that system. Several major personnel investigations were found that did not appear on the officers' TEAMS history even though the matter had been adjudicated for some time. It is imperative that TEAMS accurately reflect the current status of its information and that requires on-going auditing. In too many cases, people are making personnel and promotional decisions unaware of matters that certainly would affect their decisions.
14. We must significantly improve our Position Tracking System (PTS). It must become more useable and its capability should be expanded to include tracking Administrative Transfers, personnel who cannot be assigned to certain workplaces (relatives and ex-relatives) and other critical personnel issues that affect personnel movement within the Department. Presently, this information is captured through "institutional knowledge" which is hardly a reliable system. The PTS was supposed to correct that and record every Department employee's specific assignment each deployment period. However, PTS is largely unusable due to its poor functional specifications. This must be corrected if we are to capture this information and ensure its availability for transfer considerations.
15. We must restore integrity to our performance evaluation system so that it can be relied upon as a true measure of performance. Whether that will require implementation of a new system, such as returning to the outstanding, excellent or satisfactory categories and placing a numeric maximum on each category, or simply enforcing the existing rules is inconsequential. The fact is that our personnel evaluations have little or no credibility at any level in the organization and that must be corrected. In resolving that problem, we must also address the issue of grievances (and the workload they create) that seem to arise when some employees are rated at any level less than completely outstanding. All too often, this has resulted in inflated ratings just to resolve the grievance.

16. There should be a standardized selection process for Area specialized units. Based upon the particular assignment, this may include a background check, polygraph, drug testing or financial disclosure statement. At a minimum, officers being considered for assignment to an Area's specialized units should undergo the clearance procedures now required for a vice assignment.
17. Supervisors and officers assigned to Area specialized units such as CRASH, SPU, Career Criminal, Hype Units and Youth Services should be in advanced paygrade positions. These units are important to the accomplishment of the Department's crime control mission and, except perhaps for SWAT and some narcotics operations, are among the most sensitive and risky of Department operations. Yet we staff these sensitive, high-risk units with the basic paygrades and, all too often, fill many of those positions with officers barely off probation. Only tenured supervisors and officers should be selected for these specialized assignments and making them advanced paygrade positions will encourage our most qualified and experienced officers to take them.
18. The Chief of Police must have the ability to recommend that the Board of Pension Commissioners pension a sworn employee who is no longer physically or mentally able to perform the essential duties of a peace officer. Currently, there is no way in which a sworn employee can be removed from his or her position as a peace officer other than through a disciplinary proceeding. However, some unique non-disciplinary circumstances arise which can only be resolved by requiring an officer to retire. These circumstances are failing health or mental/emotional instability which precludes the officer from performing his or her essential duties such as carrying a firearm.
19. We should consider expanding the number and categories of specialized assignments that should be subject to a limited tour of duty, both in the Areas and in specialized divisions. Most of these assignments provide outstanding opportunities for career development and were never intended to be career-long positions. We also feel that the expertise required for some of these positions is highly over rated, predominately by the incumbents. Clearly, a rotation system must maintain a balance of expertise vs. stagnation and not deplete a unit's institutional knowledge. But, it is time to expand mandatory rotation assignments.
20. Sergeant candidates should be required to have a minimum of five years experience, at least three of which should be in a uniformed assignment. A breakdown in front-line supervision was certainly apparent in Rampart and it has also been identified as a key factor in corruption scandals in other cities. Based upon these observations, and certainly from our own experiences, improving the selection criteria, expertise and deployment of field supervisors is essential.
21. We need to review the way in which we assimilate new officers into our organization during their critical first three years of employment. Specifically, we found an almost universal lack of understanding about the way in which a patrol officer's work flows through our systems and how the quality of that work effects everything else. In years past, officers off probation rotated through several of our key operational-support

commands such as Communications, Jail, Records and Identification and Scientific Investigation Divisions. Those brief exposures to these support elements early in an officer's career provided a deeper understanding of these critical systems and a better sense of the larger Department operation. Civilianization over the past several years has virtually eliminated the need for these brief (6 to 8 month) assignments, but we need to reexamine the wisdom and long-term benefits of reinstating that program. One side benefit to the old program was its ability to bridge the gap between our sworn and non-sworn employees which is important to our efforts at ensuring a cohesive organization.

Personnel Investigations and Management of Risk

Time and again, the Board found clear patterns of misconduct that went undetected. Nowhere was this more apparent than in the investigation of personnel complaints made by the Rampart community. Regardless of the source, complainants all seemed to be viewed as recalcitrant and their allegations were not taken seriously by some of the supervisors assigned to conduct the investigations. Equally significant was the failure of management to recognize those clear patterns and correct the behavior of the officers involved. Many of the complaints involved serious allegations that should have been handled by Internal Affairs Group rather than divisional supervisors.

We must improve our capacity to investigate personnel complaints including proactive measures to ferret out behavioral patterns that may be indicative of corrupt behaviors. If we are to prevent a recurrence of the Rampart scandal, it is also critical that we build the Department's ability to look at critical risk-management factors in a broad, Departmentwide sense in order to identify the patterns of individuals, work units and commands.

22. Internal Affairs Group must be expanded to ensure that IAG investigates all but the most minor community complaints and enhance the integrity of IAG's investigations. In particular, IAG's Review and Evaluation Unit should be increased in order to at least randomly review taped interviews and compare them with the written synopsis of the interview submitted with the complaint for adjudication.
23. The practice of applying to work IAG should be eliminated and the IAG command staff should be given the latitude and authority to select the people necessary to fulfill their mission. The investigations conducted by IAG are among our most sensitive and certainly most complex investigations. But without sufficient investigative resources and people who have the investigative skills to do the job, it is difficult to meet this tremendous challenge. The deployment of detectives into IAG has largely been a failure as IAG has been unable to attract our most experienced detectives. Given the critical nature of IAG, they should be allowed to handpick their personnel to ensure that the Department's best investigators are assigned to handle these sensitive, complex and all-too-often criminal cases. Naturally, those selected for these assignments must be guaranteed retention of their advanced paygrade position and given preference of assignment upon completion of their IAG assignment.

24. A Public Integrity or Professional Standards Unit should be established within IAG. This unit should be given the logistical tools, as well as the personnel resources, to continually conduct sting operations and other investigative strategies (such as financial checks) to find and root out corruption. Carefully thought out protocols will be required for sensitive operations such as stings and financial checks. The single most important lesson learned from other police departments' corruption scandals is the need for an aggressive anti-corruption program. The Department and IAG do a good job responding to corruption incidents, but we must now do an equally good job of finding corrupt behavior within the ranks of the LAPD.
25. State laws must be changed to allow examination of an officer's financial records, particularly when that officer is in a highly sensitive assignment or there are indications that the officer may be living above his or her apparent means. Officers driving a very expensive automobile who boldly display a license plate taunting the IAG surveillance team or who display wealth far above their apparent means should expect to be asked about the source of their income. Restricting a law enforcement agency's access to this critical information only facilitates corrupt activities.
26. We must seek changes to Los Angeles City Charter, Section 202(4) which requires that an administrative investigation be concluded within two years of occurrence or one year of discovery in order to assess discipline greater than a reprimand. No other law enforcement agency in this State is subject to such a restriction. The State's Government Code Section 3304 (d) – (g) provides that the statute of limitations may be held in abeyance while conducting a criminal investigation, but the City preempts that with its own law. This change would allow the Department to conduct a criminal investigation to its conclusion and then to conduct the administrative investigation without concern that the statute will expire before that portion of the investigation is completed.
27. We must seek changes in state law permitting the release of medical records of persons injured in police incidents solely for the purpose of aiding the search for truth and ensuring that a thorough investigation is conducted. Without that information, we have no way to compare a person's injuries with individual accounts of the incident.
28. We must find ways to streamline our personnel investigation and reporting system for cases of a minor rule violation or minor public complaint such as failing to take a routine report. This is especially true when the allegation, even if sustained, does not involve a repeat offender or an officer with a similar pattern of conduct. The goal should be to adequately investigate the matter, but minimize the time field sergeants must spend away from their primary duty of directing and monitoring field activities.
29. Risk Management Division's staffing must be increased so they can develop a system of monitoring and tracking our critical risk-management factors and providing managers with regular broad-based analysis of those trends to facilitate effective management oversight. This would include the four primary areas of risk management, e.g., use of force, personnel complaints, pursuits, and traffic collisions. This responsibility would include a tracking

system and analysis of individuals, work groups, commands and bureaus with high or unusual patterns in these areas.

30. An additional Commander position should be added to Human Resources Bureau (HRB) in order to assume full-time responsibility for the Department's Risk Management program. With line command of Risk Management Division, this staff officer would be responsible for administering a proactive risk management program including the monitoring of potential problem officers and entities with unusual patterns of risk-management behaviors. This staff officer should also be the final review authority for all administrative investigations that are not handled through IAG or the Use of Force Review Board, e.g., most use of force, traffic collision and pursuit reports. That responsibility would include reviewing all completed reports for consistency and accuracy, reconciling any classification disagreements, and retaining the original investigative report.
31. The responsibilities of the Risk Management Committee (RMC) should be expanded to include an annual audit of our administrative review processes. Additionally, the RMC should be responsible for the adjudication of employee-involved traffic collisions resulting in serious injury (hospitalization) or death and all traffic collisions involving a staff or command officer. The Chief of Police should be the reviewing authority for matters adjudicated by the RMC. The BOI found significant break-downs in our review of administrative investigations. Though those deficiencies are being corrected, an annual audit will be critical if we are to maintain the integrity of those systems and prevent them from falling into disrepair again. To ensure consistent adjudication of employee-involved traffic collisions resulting in serious injury or death and collisions involving a staff or command officer, it is important that these incidents be adjudicated at the RMC level.
32. Time and again, it was brought to the Board's attention that there is a strong perception of a dual disciplinary standard, one for captains and above and the other for lieutenants and below. It has been suggested that IAG conduct an audit of all complaints involving staff and command officers over the past five to ten years. That audit should include interviews of the investigators to see if disparate adjudications have occurred. While we support that effort, we feel it is more important to have an entity with credibility at both the line and management levels look into this matter and see if there are ways in which this gap can be bridged. The professionals at Behavioral Sciences Services should be given that mission.

Corruption Investigations

The current protocol for handling major personnel investigations is generally sufficient to accomplish its purpose. However, certain modifications to the existing protocol could improve case management, assure the technical and procedural quality of investigations, improve logistical support for future investigations, and create an archive of self-critical analyses for consideration in future investigations.

33. The Special Operations Section, IAG, should be responsible for conducting corruption investigations involving Department employees. This will require the expansion of SOS with additional detectives, in a ratio of one detective III to four detectives II. The

deployment of additional detective III positions will enable IAG to attract the most highly qualified experts in the diverse specialties needed to handle complex and high profile corruption investigations.

34. When the Commanding Officer, Internal Affairs Group, with concurrence of the Chief of Staff, determines that the nature of a corruption investigation is beyond the resources of SOS and IAG, a task force should be created under the direction of an IAG manager. The task force should include personnel from IAG and any other entity with the expertise to successfully complete the investigation.
35. When a corruption case cannot or should not be placed within the purview of IAG and a task force is formed to investigate the matter, the task force should be led by a staff or command officer of suitable rank, position, or expertise. In addition, a chain-of-command should be designated for the task force. In all cases, the IAG commanding officer should receive regular briefings from the task force leader and be present at all briefings of the Chief of Police or his designee. This ensures that the Chief of Police and task force leader are apprised of any relevant IAG investigations.
36. Staff and command officers and IAG supervisors who review and assign cases should be trained in the identification of complaints that may contain corruption issues. The training should include methods to identify corruption cases immediately so they can be assigned to the appropriate investigative entity. The training should also enhance decision-making skills to properly assess investigative needs, establish an appropriate notification network and facilitate resource acquisition.
37. The entity responsible for investigating a corruption case should be located away from City facilities so it can conduct its business in relative confidentiality. To avoid security breaches, the Department must have the ability to acquire off-site office space and supporting equipment without leaving the paper trail required by the City's normal process. Preliminarily, it would seem that the Secret Service fund may be appropriate for this purpose.
38. The investigation should include consultation with the appropriate prosecuting agency and the City Attorney for guidance. The prosecutor can advise the task force on matters regarding the criminal case while the City Attorney can provide counsel on personnel, disciplinary and risk-management issues.
39. From its inception, each corruption investigation should follow the protocols included in the Department's Major Case Management System. Detective supervisors, particularly those with special expertise in criminal areas, and IAG supervisors should be trained in applying the Major Case Management System to major criminal and personnel investigations cases.
40. At the beginning of all corruption investigations, a Case Management Review Team should be designated to review both the criminal and administrative aspects of the case in order to track the investigation's progress and ensure it conforms to all relevant legal and

Department standards. The Review Team should consist of senior detectives and sergeants with extensive experience in conducting criminal and/or administrative investigations to monitor the investigation and recommend mid-course corrections to the investigative leader, as appropriate. The Review Team should do in-depth biopsies of representative investigative work samples. Normally, the Review Team will not re-interview witnesses or accused officers, but will limit their oversight in that area to reviewing the original tape-recorded interviews.

41. On occasion, extraordinary circumstances arise, such as a personnel complaint involving a complex criminal case, when the Department's standard Personnel Complaint report format requires more time than is available to meet a critical statute of limitations deadline. In such cases, the adjudicator should consider using the criminal investigation documents in lieu of the standard Personnel Complaint format to adjudicate the administrative charges. In such cases, a supplemental administrative investigation report could be added to address non-criminal allegations. This option is not without some degree of controversy in that the expediency of utilizing an alternative reporting format for extraordinary crisis-deadline cases must be weighed against handling such cases substantially different than the norm. However, consideration should be given to legitimizing this alternative in select cases, particularly when the primary scope of the investigation has been criminal.
42. An after-action report should be prepared for each major corruption investigation. The Case Management Review Team may be the ideal entity to prepare that document given their unique perspective of being intimately familiar with the investigation from a position of continuing oversight. However, preparation responsibility should be designated on a case-by-case basis. In the past, these investigations were documented in the corresponding personnel complaints, however, no reports were prepared outlining critical information typically contained in an after-action report. Consequently, there is no reference material from which future Department managers can learn, thereby avoiding past mistakes.
43. The Department should have an easily accessible archive for after-action reports. The presence of such an archive improves policy and procedure research and encourages continual self-critical analysis. The recently created Department historical records repository at Records and Identification Division would be a suitable location.

Operational Controls

Essentially, many of the problems found by this BOI boil down to people failing to do their jobs with a high level of consistency and integrity. Unfortunately, we found this to be true at all levels of the organization, including top managers, first-line supervisors and line personnel. Clearly, pride in one's work and a commitment to do things correctly the first time seems to have waned. The old adage that "reading and signing a document are two separate functions" was all too apparent in some of the shoddy work we found. This is not to say that every document was riddled with errors or that every employee's performance was deficient, as that is hardly the case. For example, the Work Product Subcommittee examined over 5,000 arrest reports completed by officers assigned to specialized units and identified about 50 with problems. While the vast majority of those reports were done correctly, those with errors should have been caught and

corrected when they were reviewed. Equally important, the quality of those reports should have been scrutinized by staff and command officers whose job it is to oversee their commands and ensure that things are being done correctly. That simply did not happen.

In order to correct these problems, we simply must build a better Department infrastructure; one that will allow sufficient time for proactive supervision and sufficient management personnel to perform essential leadership and oversight functions. We also must change our “specialist” culture and recognize that our evolution toward Community Policing/Government can only take root when most community problems are dealt with through our Basic Cars, not by creating more specialized units.

44. We must return to the formula of providing one field sergeant for every seven patrol officers (1:7) rather than the 1:8 formula imposed several years ago. The lack of effective field supervision in Rampart was, frankly, glaring. We simply must ensure there are sufficient field supervisors to perform the basic supervision and leadership functions necessary to prevent future corruption incidents. New programs such as FASTRAC, the complaint process, the Ideal Basic Car and the Ideal Area are critical to our future success. These were implemented after most of the Rampart corruption activity occurred; but, they certainly will reduce proactive field supervisory time even further.
45. The current practice of having all Chief Officers present to discuss command assignments must be continued. Clearly, more consideration should have been given to ensuring that the management team at Rampart reflected a proper balance of experience, ability, and compatibility. Unfortunately, such decisions at that time were not participatory and, on occasion, resulted in unnecessarily weak command structures. The current system ensures consideration of those factors and is much less likely to produce unanticipated outcomes.
46. Whenever possible, Area commands should always operate out of a single facility. When this is impossible, high-risk units such as CRASH, SPU and Community Relations should always operate out of the main facility to allow for oversight by the uniformed watch commander. Those units certainly can maintain their lockers and perform administrative duties at a satellite facility, but arrestees and evidence should always be processed at the main facility.
47. When an Area must operate out of multiple facilities, a formal, comprehensive plan must be established to ensure proper and effective supervision and leadership. Almost without exception, that plan should prohibit bringing arrestees to the secondary facility especially by non-detective personnel during non-business hours (nights and weekends).
48. In order to bring our Area specialized units back into the operational mainstream, we should establish a consolidated Special Enforcement Unit (SEU) in each Area. The SEU structure should include CRASH, Special Problems Units, and similar uniformed details. In establishing SEU, we must ensure that our gang efforts are refocused on a clearly defined mission that includes public education, police/community problem solving, intelligence gathering and suppression of criminal gang activity. Given the revelations regarding Rampart CRASH, it is unlikely that this expanded gang mission could be

institutionalized while retaining the same name those units have operated under all these years. Therefore, we should send a clear message that our gang enforcement strategy has changed and use the title Gang Detail to describe those units.

49. When specialized units such as the Gang Detail and SPU are not integrated into the patrol chain-of-command, they must at least be functionally accountable to the patrol watch commander. This would require each of these units to provide the watch commander with a written line-up each day indicating exactly who is working, what cars they are driving and their start and end-of-watch times. That written line up should be attached to the Watch Commander's log and retained in the Area's permanent files.
50. In no case should the Gang Detail or SPU be deployed without an assigned supervisor. Area Gang Detail and SPU OICs should be required to coordinate their days off so one of them is working whenever the Gang Detail or SPU is deployed. If the OICs are unavailable such as vacation or a complex personnel investigation, another supervisor should be assigned temporarily to supervise the unit.
51. To stem the proliferation of non-budgeted specialized units within Areas, an Area commanding officer should be required to obtain approval from their bureau commanding officer to deploy a non-budget specialized unit. The written request must identify the unit's specific mission, staffing, method of deployment (uniform or plain clothes, hours, and days of the week), and duration. Bureaus should be accountable for ensuring that prior approval is obtained and that these units are disbanded upon completion of their stated mission. This process will ensure that specialization occurs only when necessary and that these units do not become permanent fixtures.
52. The experiment of civilianizing Area Adjutants has failed and those critical positions must be returned to Sergeant II authorities. Adjutants do much more than simply track and process paperwork. Their main function is to sift through the large volume of paperwork generated daily in an operational command and bring important matters to the commanding officer's attention. The ability to recognize those critical issues requires that Area adjutants have sworn supervisory experience. We recognize that some non-sworn adjutants have been very successful; but, those generally have been people who are "career" Police Department employees. Unfortunately, those people are few and far between today and no amount of training can substitute for experience when it comes to recognizing police issues and subtle patterns before they become major problems. In that regard, a comprehensive study of the Department's Civilianization Plan should also be conducted to evaluate and determine if it has delivered its stated goal of returning officers to the field and replacing them with non-sworn employees without losing operational effectiveness. In short, we must determine if those changes have made the Department more or less effective and productive.
53. Similarly, Area Administrative Lieutenants must be upgraded to lieutenant II positions. With the implementation of the Ideal Area, an entire layer of Area management was eliminated and the three patrol watch commanders now report directly to the Area commanding officer. This substantially increased the Area commanding officer's

responsibilities which was to be compensated for by establishing the position of Administrative Lieutenant. However, many of these positions are being filled by very new lieutenants which stifles their growth and development. Upgrading these positions to lieutenant II will attract the more senior lieutenants to these positions and ensure that lieutenants with the proper experience are performing those critical Area functions.

54. With the expanded number of sergeant and lieutenant advanced paygrade positions, it is critical that Areas retain the flexibility to move their people among the advanced paygrade positions within the command. For example, with the implementation of these recommendations, each Area would have 8 sergeant II positions (not counting vice): 3 Assistant Watch Commanders, 1 Training Coordinator, 1 Adjutant, 1 Youth Services OIC, and 2 specialized unit OICs. An Area C/O should be able to move sergeants within those positions to promote their development and prevent stagnation. This would require these positions to be advertised generically rather than for a particular assignment.
55. Support staffing for each Area must be consistent with the size and complexity of each individual command. Currently, each Area is allocated about the same number of support staff regardless of size. However, more people generate more paperwork and it is unreasonable to expect that large commands perform their work with the same number of support staff as small commands. Support staff must be budgeted and allocated in proportion to the size of each command to ensure there are adequate resources to accomplish the command's management and oversight responsibilities.
56. The informant manual currently being developed by Criminal Intelligence Group must be expedited to establish uniform procedures for the use of informants Departmentwide. In that regard, a decision must be made on whether or not patrol officers should be allowed to cultivate and use informants with a criminal background or if that should be restricted to detective functions. Further, the issue of LAPD officers involved in joint-agency task force operations must be addressed as to whose informant policies should apply, ours or the lead agency's. This is not an issue which should be negotiated in each individual Task Force's Memorandum of Agreement (MOA) any more than our use of force policy should be mitigated through an inter-agency MOA.
57. Criminal Intelligence Group, through the Operations Committee, should be tasked with evaluating and making recommendations on the desirability of establishing a centralized database to track all informants including those deemed to be undesirable. That evaluation should include the desirability of making the Undesirable Informant File available through the Criminal Intelligence System (CIS), formerly known as NIN, which would allow Monday through Friday (0600-2300 hours) access to this information.
58. Criminal Intelligence Group, through the Operations Committee, should evaluate our current controls on the preparation and service of search warrants. That would include the establishment of a tracking system within each operational command for the management of search warrants to facilitate oversight of these critical, high-risk operations. It must also close the current loophole which does not require supervisory or management review of a search warrant affidavit prior to submission to a magistrate.

59. Criminal Intelligence Group, through the Operations Committee, should develop a protocol for the development of Divisional Integrity Assurance Plans and specialized operational divisions should be required to develop such a plan for their command. Each plan should also address the unique vulnerabilities of each command's particular mission. Additionally, CIG should evaluate the usefulness of developing such a plan for commands with general law enforcement responsibilities such as Areas and traffic divisions.
60. Although booking advice should be obtained from a detective or specialized unit supervisor, booking and report approvals should always be obtained from the Area watch commander who should be responsible for visually inspecting each arrestee.
61. Whenever possible, the supervisor approving a booking should be the same supervisor who reviews and approves the related reports. Consistent review of these two processes serves as redundant scrutiny of the arrest's validity. This will ensure that sufficient probable cause is articulated in the arrest report and that any evidence seized is properly recorded and booked.
62. Special attention and additional scrutiny should be given to the substantial volume of misdemeanor arrests being made Citywide in which "boilerplate" reporting formats are being used. Though time saving, such reports are rarely specific enough to refresh an officer's memory in court. They also can be perceived as an "assembly line" process that lends itself to potential problems by depriving arrestees of a proper preliminary investigation and making it easy to overlook information essential to specific arrests.
63. A new Detention Log should be developed for Department holding facilities. In addition to recording the detainee's name and time in/time out, the log should record the watch commander's inspection of the arrestee and any interview which took place.
64. Our system of authorizing the disposal of evidence needs to be reviewed in order to determine if supervisory or at least investigative concurrence should be required for all property dispositions or dispositions involving critical evidence such as narcotics and firearms. Currently, property can be disposed of by the investigating officer, the booking officer or the Property Disposition Coordinator. However, there are no checks and balances to this system which can create a loophole for a dishonest employee to remove evidence, use it illicitly, and then cover up the transaction. In addition, our property control system should pay particular attention to the removal of property after it has been authorized for disposal. Once a case has been disposed of, there are few legitimate reasons to remove the evidence from property.
65. All Property Division facilities should be equipped with computerized equipment to capture a thumbprint and Personal Identification Number ("PIN") to verify the identity of each employee checking out property. In addition, all Department employees should be issued a new identification card with electronic coding consistent with that system. Until that system can be implemented, verification of an employee's identity is essential whenever property is being checked out, perhaps in the form of a thumbprint.

66. The Department should develop a new OIS investigation protocol that allows the OIS investigators to be the first interviewers of the involved officers. The protocol should also require that RHD investigate any crime against a police officer related to an OIS case and that RHD interview all civilian witnesses to any OIS which is the investigative responsibility of RHD's OIS Team. Finally, the Police Protective League must also be encouraged to address the issue of one attorney representing multiple clients.
67. If we are to ensure the investigative integrity of our OIS scenes, we must ensure that trained detectives respond quickly and take control of the crime scene and secure all witnesses and evidence. This will require that we reinstitute "K-cars" out of Detective Headquarters Division and require their response to all OIS, homicide and other major crime scenes to "freeze" those scenes and assist the entity responsible for the investigation.
68. It is critical that we place a high priority on the scientific analysis of evidence seized during an OIS investigation. If the analysis of that critical information is to be available in a timely manner, we simply must improve our ability to complete OIS firearms examinations expeditiously without sacrificing our responsiveness to other criminal cases. This will require the hiring of additional Firearms Examiners and Latent Print Experts along with the equipment needed to accomplish their missions.
69. Re-implementation of the District Attorney's Roll-Out Program should be monitored to ensure the protocol produces the desired effect of facilitating the District Attorney's Office monitoring of OIS investigations at the scene of the incident. Every effort should also be made to educate the public on the progress of this program in order to maximize the program's value.
70. An officer should be referred to the same Behavioral Sciences Services (BSS) psychologist when he or she is involved in a second or subsequent OIS. One of the primary purposes of the post-OIS referral to BSS is to determine any cumulative effect these events may be having on an officer. Whenever possible, having the same psychologist conduct subsequent interviews will improve our success at detecting and dealing with any cumulative effects which may occur.
71. The Use of Force (UOF) Review Board should expand the scope of its post-adjudication review of an OIS to include OIS patterns that may be occurring in the involved officer's division and entity of assignment. Several years ago, the UOF Review Board expanded its role to include a review of the involved officer's OIS history. This occurs after the Board makes its determination on an incident and is intended to assess any patterns or trends the officer may have in this area. In reviewing the Rampart shootings, particularly in 1996 and 1997, shooting after shooting resulted in the UOF Review Board criticizing the level of supervision which either was not at the location or was there but did not do their jobs well. Though this pattern was clear, we found no evidence that the Board recognized it was the 3rd or 4th consecutive time it had criticized the same command for the same shortcomings. Expanding the UOF Review Board's role to include a review of organizational patterns as well as individual patterns should ensure that these trends are identified and dealt with.

72. Commanding officers should be required to convene a divisional Fleet Safety Review Board for all employee-involved traffic collisions. Currently, this is not required for captains and above and is optional for lieutenants and below. Some commanding officers chose not to convene a Board because they have little confidence in the Board's recommendations. However, peer participation in the review of collisions causes people to reflect on their own driving, defensive driving issues, and the Department's policies and training. With respect to staff and command officers, their exclusion from the Fleet Safety Review Board process represents an unnecessary and artificial barrier between ranks in that they too may benefit from reflection on defensive driving.
73. We must standardize the processes for reporting and administratively reviewing use of force, pursuit and traffic collision incidents. That process should include a reporting format with headings and the specific information that must be provided under each heading. It must also address the expected scope of the C/O's review and provide a signature box indicating that the C/O has reviewed the report and made the required determinations. There also needs to be a signature box for the bureau CO indicating that the bureau C/O has reviewed the matter and either concurred with the employee's C/O or made separate determinations. The people reviewing and approving those reports must include their serial numbers, as we found many of the signatures on documents to be illegible. Management Services Division is preparing a Special Order to address this recommendation.
74. Critical issues such as use-of-force standards and less-lethal control devices must be included in Department publications. The UOF Handbook was issued years ago, but has not been updated since its original publication. It must either be updated or cancelled in which case training bulletins should be issued to address this material. Similarly, devices such as the beanbag shotgun still are not addressed in the Department Manual.
75. The Legal Sourcebook, authored by the California Department of Justice, should be obtained in the more user friendly CD-ROM format and it should be made available in every watch commander's office as well as in the offices of specialized operational entities. We found that several other law enforcement agencies, including the Los Angeles County Sheriff's Department, mandate that every watch commander's office have the Legal Sourcebook as an available reference.

Anti-Corruption Inspections and Audits

If there is one aspect of the Board of Inquiry that has been more discouraging than others, it is the degree to which our employees are failing to follow established Department procedures. That failure is compounded by the failure of their supervisors and managers to oversee their work. In some cases, those failures are due to a lack of training or volume of work which has overwhelmed some of our people. But, in many other cases it appears people have figured out that the likelihood of anyone discovering the use of shortcuts is practically nil. Unfortunately, that latter motivation—no fear of detection—is all too true and has created an opportunity for some of our employees to take dangerous shortcuts. Clearly, there has been serious erosion in the quality and emphasis of audits and inspections over the years. Without a routine system of

in-depth audits, we are unable to ensure the quality of our employees' work or hold their command structure accountable for the performance of their command.

If we are to ensure that people follow the rules and comply with our standards, we must embark on an aggressive system of audits and inspections. These efforts must ensure that individual work is completed up to standards and that work done in high-risk areas is inspected regularly to identify trends and potential problems early. It was interesting to note that every vice unit we inspected was virtually error free. After several corruption incidents in the 1950s and 1960s, a system of checks and balances were set up for our vice units which are virtually "bullet proof." This is not to say that problems do not arise in our vice operations, but they are generally detected very early and dealt with effectively. Systemic problems, such as those we encountered in other places, are virtually unheard of in our vice operations. Therefore, we believe it necessary to emulate those systems for our other critical operational entities where integrity breaches can be far more serious and the liability aspects extremely costly.

76. The second commander position, removed from the operational bureaus years ago, must be restored along with sufficient sworn and non-sworn staff to establish a meaningful system of inspections and audits for each of the operational bureau COs. This audit team would be responsible for overseeing the bureau's risk management efforts and providing meaningful and regular audits and inspections of the bureau's operations including case biopsies and quality control evaluations. Also critical in this effort is the ability to track the implementation of recommendations from previous audits so that a command does not make the same mistakes over and over again.
77. An additional captain should be deployed at each Area to oversee line operations during the critical evening hours and on weekends. The movement of captains to detective operations occurred after many of the events at Rampart. Had that command officer been in place, it is quite possible that some of the systemic problems may have been detected earlier as all of the problematic reports eventually end up on the desk of detectives. Our increased emphasis on strategic problem solving also requires command officer oversight of each Area's critical Crime Analysis function. However, any municipal police agency's line operations are most active on weekends and at night where there is currently little oversight by command officers. The Command Duty Officer program has attempted to rectify that shortcoming, but is insufficient especially when each person is deployed about once a quarter and has no responsibility for the on-going management of a command.

In the alternative, consideration should be given to reinstating the permanently assigned Command Duty Officer program which assigned 3 full-time captains to the night hours and on weekends to provide command oversight during those critical hours. If that alternative is considered, the program should be expanded to 6 full-time captains who would report to the Department Commander and provide Citywide coverage from about 1700 hours to 0600 hours every day.

78. We must review our automated systems to determine if they are able to capture and produce information which may be required for effective audits and corruption investigations. For example, the Police Arrest and Crime Management Information

System (PACMIS) database (or its successor, CCAD) must allow for retrieval of information on all officers involved in any given arrest. This became problematic during the Board's work when it was discovered that PACMIS records were of limited use in identifying arrests in which specific officers were involved. Consequently, a lot of time was consumed in hand-searching reports to find the information needed for the Board's investigation. What is required at this time is a careful review of the functional requirements for these systems after which our technical experts will have to evaluate the cost associated with the needed changes. However, we simply need to know things differently today if we are to prevent corruption from occurring and many of those needs simply did not exist when these systems were created.

79. The Department's Audit Guide must be updated and redistributed to all Department commands. A new Department audit schedule should be established and these audits should be tracked and evaluated by the bureau inspection units.
80. The ultimate "audit" and the true measure of any law enforcement agency's effectiveness is the degree to which the community it serves is satisfied with its performance. While we regularly try to take the community's "temperature" through a variety of means, there simply is no substitute for a well-planned, scientific survey of the community done on an annual basis. In addition to identifying a community's present concerns, an annual survey also allows the Department to measure change within a Community Police Station's geographic boundaries and assess the variables which may have contributed to that change. Most importantly, it also gives the community an opportunity to provide input on Department programs and the way in which they are being treated. This is invaluable information which provides insight into potential problems and allows for early intervention into problem commands. The survey done several years ago by Cheryl Maxson, PhD, Karen Hennigan, PhD, and David Sloane, PhD, from the University of Southern California's Social Science Research Institute, is precisely the type of community survey that needs to be done annually in every Area. At an estimated annual cost of about \$300,000, this is an inexpensive investment to ensure that quality police service is being delivered throughout the City.
81. As a final comment in this area, we are one of the few law enforcement agencies in the nation which is led by a civilian Board of Police Commissioners. Attracting high-quality people to the Board's positions is of great interest to the Department and probably even greater interest to the people of this City. But, many highly qualified people must consider the legal ramifications of accepting such a highly visible, though prestigious position due to the legal liability involved. We interviewed former commissioners who are still being sued even 10 years after their assignment as a member of the Commission. If we are to attract quality people to these important positions, consideration must be given to the liability protections which are provided to the public-spirited citizens who volunteer for public service which now exposes them to significant personal financial liability. Further research will be needed to determine if those protections should take the form of State or federal legislation or can be provided through the California State Bar Association.

Ethics and Integrity Training Programs

We must revitalize and reinforce our core values in the minds and hearts of all our personnel so that each and every employee understands their responsibility to uphold the integrity of the Department. Equally important is the need to address our expectations of managers and supervisors, including the consequences of any failure in that area. The actions or inaction of managers and supervisors are critical in this regard in that they can easily create an atmosphere of eroding standards eventually leading to significant acts of corruption by their subordinates. In that regard, it is critical that each and every command develop a cohesive management/supervisory team.

82. This effort must begin with a thorough review of the existing ethics and integrity courses for topic continuity, proper delivery based on the needs and job duties of participants, and trainer preparation and credibility.
83. From that review, we must develop a comprehensive training program on ethics, integrity, mentoring, and leadership. This should include the development of a standardized curriculum and lesson plans, while maintaining the ability for classroom participants to generate ethical dilemmas from their various perspectives. It should also involve critical thinking, problem solving, and decision-making strategies for addressing ethical dilemmas in a policing environment.
84. In developing this program, we should seriously consider accepting the US Attorney's offer to have members of their staff provide training regarding civil rights violations and police corruption. However, rather than teaching recruits, that training would seem to be more worthwhile at the supervisory and watch commander levels and would surely make them more cognizant of the serious outcomes their failures can have.
85. All Department employees should receive greatly increased training in the areas of ethics and integrity and that training should be fully integrated into our regular training programs.
86. Classroom instruction on ethics should be reinforced through other training opportunities such as commanding officer presentations during standardized roll call training, discussion in supervisory meetings, monitoring and auditing the work environment, and workshops in divisional training days that encourage frank discussions about this issue. In addition to live presentations, we should utilize technology advances such as CD-ROM, LAN and Internet formats as appropriate.
87. We must continue to explore nationwide training programs within the law enforcement community, as well as educational programs for other public service occupations, to keep abreast of the best practices nationwide.
88. It is critical that each command develops and maintains a cohesive management/supervisory team. In that regard, Behavioral Science Services should develop and implement an annual team-building exercise for each command. That exercise must include all management and supervisory personnel within the command and emphasize the

importance of shared responsibility, consistency of direction, teamwork and communications.

Job-Specific Training Programs

One of the most common comments expressed by many people during the Board's work was how little they knew about some of the Department's less-than-routine procedures. One good example was the use of informants where there was near-universal ignorance of our standards and even less comprehension of the dangers inherent in the use of informants. One could respond that many people expressing that view were simply covering for their own shortcomings. However, the comment was so universal that categorizing these comments as simple alibis is myopic. One must also keep in mind that, for decades, we could rely on a highly-competitive promotional process to ensure that every serious candidate for promotion would study the most minute detail of every Department publication. However, the "pass/fail" format with a floating pass point of the past few years only requires minimal knowledge of these publications.

We also have a fairly young Department and many people promote so rapidly through the supervisory and mid-management ranks that they never have the opportunity to acquire the institutional knowledge which is so critical in those positions. Without the ability to acquire that depth through their own experiences, it simply must be taught to them through training. The fact is that many of our supervisors and middle managers receive too little training on the mechanics of their jobs and most of that is in the form of on-the-job training which is predicated on the knowledge of the one doing the training. One need only review the curriculum for Watch Commanders School to see the depth of the problem. Nearly every report the Board of Inquiry reviewed was at least signed by a watch commander, whether it was actually reviewed or not is another issue. However, there is nothing in the Watch Commander School curriculum on what to look for in these reports, especially the critical administrative reports dealing with pursuits, collisions and use of force. Even more telling is the fact that audits and controls is not even taught in Watch Commanders School, a major omission in teaching leaders how to manage their responsibilities.

If a weak curriculum alone were not a significant enough problem, it is significantly compounded by the fact that many new promotees do not attend the school designed to teach them their jobs in a timely manner. For example, newly promoted sergeants frequently do not attend sergeant's school until months, and in some cases years, after their promotion. These shortcomings simply must be corrected.

89. In its review of training programs, the BOI found a general lack of oversight in the way classes were added to or deleted from Department schools. It almost seemed as if employees at surprisingly low levels made those decisions with little or no review. Human Resources Bureau should establish a formal system to control that process and records should be maintained for each class to document its history and the rationale for content changes.

90. A one to three day introductory course should be developed for new sergeants, detectives II and non-sworn supervisors. It should be given the first working day(s) of each deployment period, regardless of the number of personnel to be trained, and no one should be permitted to work as a supervisor until he or she attends the course. This course should focus primarily on the role and responsibilities of Department supervisors and it should be designed to increase courage on the part of supervisors to make the tough decisions necessary to avoid ethical breakdowns in the future.
91. Consideration should be given to reorganizing the Supervisory Development Course from a four week block of instruction to a program of smaller blocks of instruction spread out over a longer period of time. This will allow time for students to apply their knowledge, and to develop their talents within a peer setting.
92. The Watch Commander School should be completely revamped to teach watch commanders the mechanical things they need to know to be effective in their assignments. Three experienced, highly regarded watch commanders should monitor the next School and provide their insight on subjects which need to be taught and the quality of instruction. However, at a minimum the instruction should include the review of administrative investigations, personnel deployment, monitoring the investigation of personnel complaints, and setting up audit and control systems to ensure their watch's effectiveness.
93. We need to develop "hands-on" case scenarios for Command Development School to train new command officers on just about every subject including the proper review, classification and adjudication of administrative investigations. They also need to receive specific training on resource management in order to assist them in managing their multi-million dollar commands. This training would provide appropriate guidance for these new command officers and result in greater consistency in these critical areas.
94. Our standardized roll call training program should be critically evaluated to determine its utilization and effectiveness. While most of the watch commanders' logs we reviewed indicated that the standardized training had been provided, the high level of compliance with that requirement was inconsistent with the lack of compliance in most other areas. It is possible that the standardized roll call training curriculum is being fully and faithfully provided, but it is also possible that people are simply making the expected notation on their log whether or not the training actually occurred.
95. Every specialized division, section and unit should have in place a standardized training module for the assimilation of new officers including any handout material describing their duties and mission. The development of these training programs will ensure that assimilation is consistent with the Department's goals and objectives.
96. We must embark on a comprehensive training program directed at informant cultivation and management. This training must begin with recruits at the Academy and should be added to appropriate in-service schools. Consideration should be given to having command officers, especially from CIG, teach informant control particularly at the field officer, supervisory and mid-management levels.

97. Consideration should be given to restoring the two-hour block of training regarding the OIS investigation process taught by RHD personnel to recruit officers. Becoming involved in an OIS is traumatic enough without having at least some understanding of the process.
98. We must ensure that our Training Coordinators know how to input training information into the CHRIS and TEAMS systems. Without this instruction, directed training resulting from an administrative review process will never be documented and tracked.
99. We must fully staff the Advanced Tactics Unit, Continuing Education Division, to ensure that every officer is adequately trained in this critical area, that remedial training is provided as problems arise, and that every officer receives regular follow-up training throughout their careers.
100. We must ensure that the material being taught to our officers at their commands is consistent with Department standards, especially in the critical area of tactics. In that regard, the schedule and proposed training material for all Area/divisional training days must be submitted in advance for approval by their bureau C/O and the C/O of Training Group. Training Group personnel must monitor those training sessions to ensure the content and delivery are consistent with Department standards.
101. Training programs for recruits and line-level officers must reemphasize the need for officers to fully and completely articulate their reasons for detaining people in the “Source of Activity” portion of their arrest reports. Recognizing probable cause and reasonable suspicion, as well as their legal underpinnings, is a subject which must be taught at those schools and reemphasized throughout our training courses. Time and again, the Board found significant slippage in the quality of arrest reports, particularly in the reasonable suspicion to detain suspects. In some cases it appeared that officers, especially those assigned to CRASH, appear to work under an “implied authority” which they believe allows them to stop and detain any gang member in a “gang infested” area. It is difficult to judge if the lack of articulation stemmed from poor report writing or failure to recognize the legal requirement for those detentions. In any event, our growth over the past several years has yielded increased proactive patrol time for officers and we need to shore up their ability to recognize and record good legal justification for their self-initiated activities.

BOI Work That Should Continue

This Board of Inquiry brought together staff, command, mid-management and supervisory personnel from throughout the Department to delve into various issues. With a very tight time frame in which to complete its work, there are certain areas which were left incomplete. That work must be continued to ensure that a full and complete analysis has been conducted and to ensure there are no additional problems left unaddressed.

102. A further analysis of the Rampart Area CRASH Unit work product should be conducted, with biopsies performed on specific cases where problems or recurring patterns have been

identified for specific officers. That review should include the 46 additional officers who were assigned to the Rampart Area CRASH Unit from July 1994 through July 1998.

103. It was clear from reviewing his arrest reports that Perez worked very differently when he was assigned with different partners. When he worked with some officers, his reports were sloppy and often did not articulate clear probable cause for his activities. But when he worked with other partners, those deficiencies were not as apparent. Case biopsies should be completed for arrests made by Perez to determine the factors that caused him to work differently with different partners.
104. Case biopsies should be done on arrests made by CRASH units from the other 17 Areas and other specialized units Departmentwide for cases identified in this audit as problematic or suspicious. Specific attention should be given to specialized units to which Rampart Area CRASH Unit officers transferred to determine the extent to which Rampart CRASH practices may have been exported to other specialized units.
105. The audit of CRASH units Departmentwide should be continued and include a more comprehensive sample of unit activities and reports. The time constraints imposed on this initial audit resulted in findings and conclusions based upon a review of arrest reports only. A more comprehensive and thorough audit should include a larger sample of reports for longer time periods.
106. An examination should be made of each CRASH unit's work product to determine their responsiveness to gang problems and how each unit perceives its role, i.e., intelligence gathering, focusing on a variety of non-gang related crimes and problems, gang suppression units, or narcotics enforcement units. This review should include how well CRASH units use intelligence, investigative follow-up, probation, parole, vertical prosecutions, and community outreach and enhancement strategies in their operations. The review should also examine CRASH unit supervisors' daily logs and compare the amount of time spent supervising personnel in the field, completing administrative paperwork, auditing for risk management issues, and approving bookings and reports.
107. Area/division report processing and filing practices must be audited for compliance with Department procedures and to identify possible causes of the misfiled and missing reports noted in this audit. Proper filing and ease of document retrieval are critical to an effective audit system.
108. The Subcommittee on Rampart Management and Supervision identified 275 arrest reports that mentioned the use of an informant in making the arrest. Those reports should be audited to gauge the knowledge and level of compliance with current informant management guidelines.

In conclusion, we believe these recommendations are a prudent response to the Department's problems which have been identified through this Board of Inquiry process. However, we would be remiss if we did not comment on two other aspects of this matter. The first is the responsibility the entire criminal justice system has to ensure that each of its component parts is

operating properly. Every one of these cases went through that entire system virtually unchallenged by anyone. While the recommendations we have made will put us on the right track, the criminal justice system itself must take a serious, introspective look at itself. Together, we must look for ways in which we can assure the people of this City that the system of justice, so critical to the American way of life, is being conducted with integrity and honesty. This should be a major focus of the Los Angeles County Criminal Justice Coordinating Council at the start of this new millennium.

The second is that Sheriffs and Chiefs of Police must retain full authority and responsibility to discipline their officers and they must be held accountable for the exercise of that authority. Efforts at imposing binding arbitration in this State, especially when it involves peace officer discipline or any other administrative aspect of their jobs, must be abandoned. Peace officers are unique employees and disciplining them when they commit misconduct must remain the sole responsibility of their Chief. If that Chief uses that authority unfairly, there is recourse through the courts and through local civic leadership. Attempting to resolve those issues through an arbitrator is foolish and will severely undermine our efforts to ensure the principled delivery of police service to our communities.