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Law Enforcement Quality Check

By Nicole C. Bershon

The mission of the Office of the Inspector General (OIG) for the Los Angeles Police Commission is to provide strong, independent and effective oversight of the Los Angeles Police Dept. on behalf of the Commission and to ensure that the LAPD and its employees act with honesty, integrity, and respect towards the public. The OIG was established in 1996 in response to a recommendation in the 1991 Independent Report prepared by the Christopher Commission in the aftermath of the Rodney King incident. The OIG was strengthened in 2001 after the LAPD entered into a federal consent decree with the U.S. Dept. of Justice in the wake of the Rampart Scandal in the late 1990s.

From 2001 until July of 2009, much of the OIG's work was devoted to ensuring that both its and LAPD's myriad consent decree responsibilities were being met. The consent decree imposed responsibilities on the OIG in three core areas: operational audits, categorical uses of force, and complaint intake and discipline. It required that the OIG perform audits of certain LAPD operations, such as gang units, search warrant procedures, and arrest, booking and charging procedures. In addition, the consent decree mandated that the OIG review all officer involved shootings, in custody deaths, head strikes with an impact weapon, and other law enforcement-related injuries involving hospitalization (collectively, "categorical uses of force" or "CUOFs"). Finally, under the consent decree, the OIG undertook responsibility to serve as an intake point for complaints from members of the public and LAPD employees. The OIG also reviewed the Chief's imposition of discipline quarterly, and annually reviewed LAPD's handling of retaliation claims made by LAPD employees.

In July of 2009, a federal judge terminated the consent decree, and approved a transition agreement between the original parties to the consent decree. Under the transition agreement, the OIG is required to perform periodic audits in the following areas: biased policing; financial disclosure; the operation of LAPD's gang units; and TEAMS II (Training and Evaluation Automated Management Systems). Moreover, the OIG continues to perform many of the core functions it performed under the consent decree, including the following: taking complaints from the public and LAPD employees; performing quarterly reviews of the Chief's imposition of discipline; responding to the scene of all "categorical uses of force" and performing an independent review of the LAPD's investigation into each incident; and conducting other audits and reviews. In addition, the OIG conducts outreach to educate the community about the OIG, the Police Commission, and the LAPD in the wake of high-profile use of force incidents and other newsworthy developments.

The OIG carries out its mission through the following four sections. These sections combine the strongest components of various oversight models, including: auditing of past investigations, real-time monitoring of current investigations, and policy review and

recommendations for policy reform.

The complaint section's primary function is interacting with and monitoring the disciplinary process of LAPD. This section does the following: Assists members of the public and LAPD employees in filing complaints of misconduct; assists LAPD employees in matters involving allegations of retaliation and other workplace concerns, as well as monitors LAPD's investigations into such matters; ensures that other complaints of misconduct are properly handled and thoroughly investigated; prepares quarterly reviews of the Chief of Police's imposition of discipline to assist the Police Commission in assessing the appropriateness of the Chief's actions, which assessment is included in the Chief's annual performance evaluation; and conducts independent investigations into complaints against the Chief.

Each year, the complaint section conducts between 200-300 case reviews at the request of the complainant or other involved party, the Police Commission, or other public official, or in connection with one of its quarterly reports. These case reviews consist of a review of all underlying documentation contained within the investigation, as well as a review of selected tape recorded interviews to ensure compliance with applicable laws and LAPD policy. Moreover, in 2009 the complaint section received approximately 1,000 contacts from members of the public either in person, or via e-mail, facsimile, written correspondence or by telephone.

The audit section performs its own audits or reviews completed LAPD audits on the following topics: Complaint investigations; warrant applications and supporting affidavits; confidential informants; non-categorical use of force investigations; arrest booking and charging reports; gang enforcement detail selection criteria; and sting audits of LAPD personnel.

In 2009, the audit section conducted approximately 20 audits and reviews of various LAPD operations. In 2010, as a result of additional responsibilities imposed by the transition agreement, the audit section anticipates conducting approximately 28 audits and reviews of various lengths and complexity. This will include the first-ever audit of the LAPD's compliance with various financial disclosure requirements imposed on personnel assigned to various gang and narcotics units of LAPD.

The use of force section carries out the OIG's responsibility to assess LAPD's investigation and adjudication of every officer-involved shooting, in custody death, head strike with an impact weapon, and other law enforcement related injuries involving hospitalization (collectively, "categorical uses of force" or "CUOFs") involving an LAPD employee. It performs this function through direct involvement in every stage of the investigative and adjudicative process, including: Being immediately notified of a "categorical uses of force"; going to the scene of the "categorical uses of force" and observing the investigation in progress; reviewing LAPD's Force Investigation Division's investigation of the "categorical uses of force"; attending LAPD's Use of Force Review Board; and preparing an evaluation for the Police Commission of Force Investigation Division's investigation and the Chief's evaluation of the incident, addressing both the

investigative procedures and the substantive conclusions, as well as providing recommendations as to how the OIG believes the Police Commission should adjudicate the "categorical uses of force" incident. Each year, this section conducts reviews of approximately 100 "categorical uses of force" incidents.

The special projects section was established in 2007 to provide the OIG the flexibility to respond more quickly to emergency or high-profile events that require immediate review. Shortly after the creation of the section, LAPD officers were involved in multiple televised uses of force during an immigration protest in Los Angeles's MacArthur Park on May 1, 2007. The special projects section was responsible for the intake of many of the individual complaints lodged in the wake of this incident as well as providing real-time input to LAPD during its subsequent Internal Affairs investigation. In addition, the OIG presented to the Police Commission a comprehensive analysis of the discipline ultimately imposed on the involved officers.

Other projects have included: Evaluating the constitutionality of LAPD enforcement efforts involving the homeless in Los Angeles's Skid Row; assisting the city's other police agency - the Office of Public Safety - in revamping its systems for investigating complaints and uses of force; and auditing LAPD's investigations of allegations of an unlawful search.

In addition to the Inspector General, the OIG is currently staffed by two Assistant Inspectors General, 11 Special Investigators, eight Police Performance Auditors, six administrative personnel, and one sworn sergeant.

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Nicole Bershon is the newly-appointed Inspector General of the Office of the Inspector General for the Los Angeles Police Commission.