

NACOLE Case Studies on Civilian Oversight

Office of the Inspector General

Los Angeles, California
Auditor/Monitor-Focused Model

by Michael Vitoroulis



COPS
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Program Context

The Los Angeles Office of the Inspector General (OIG) is the civilian oversight agency that reports to the Los Angeles Board of Police Commissioners (BOPC), the five-member civilian head of the department responsible for overseeing and setting overall policy for the Los Angeles Police Department (LAPD). Created in 1995 following a recommendation by the Independent Commission on the Los Angeles Police Department (known as the Christopher Commission) convened in the aftermath of the 1991 beating of Rodney King, which was captured on video, and the unrest following the acquittal of the officers involved, the OIG was created to audit, investigate, and review *all* aspects of the LAPD. Strengthened over time by community calls for stronger oversight and a 12-year consent decree, the OIG is among the most broadly powered civilian oversight agencies in the United States, responsible for overseeing the nation's third-largest police department—a force of roughly 10,000 sworn officers serving Los Angeles' 4,030,904 residents.

History of Civilian Oversight of the Los Angeles Police Department

Civilian oversight of the LAPD dates to as early as 1876, when the first set of appointments to the civilian-led BOPC were made by the Los Angeles City Council.¹ While authorized by city charter to serve as the final authority over matters pertaining to LAPD policy and operations, the BOPC in its early form was primarily responsible for appropriating department funds and approving various municipal permits. Despite its authority to implement departmental policy, it is not clear that systemic oversight of the LAPD’s operations was a priority for early iterations of the BOPC.² Since the late 1980s, however, the BOPC has taken on the responsibility of adjudicating categorical use of force (CUOF) cases (defined later in this report).

Decades of documented LAPD misconduct throughout the 20th century—including the “Bloody Christmas” of 1951, the 1979 officer-involved shooting death of Eula Love, and the handling of Operation Hammer in 1987—resulted in enduringly tense relations between minority communities and the LAPD.³ Technological advancements, the advent of video recording technology, and an evolving media landscape brought police-community tensions in Los Angeles to an all-time high after the beating of Rodney King in March 1991. Following the acquittal of the involved officers on most charges, riots erupted throughout the Los Angeles metropolitan area for six days as residents protested police discrimination and abuse against minorities in the city. Widely covered by national media, the 1992 Los Angeles riots set the stage for revamping and revitalizing civilian oversight of the LAPD.

In April 1991, then Los Angeles Mayor Tom Bradley established the Independent Commission on the Los Angeles Police Department—later known as the Christopher Commission—to conduct a “full and fair examination of the structure and operation of the LAPD” including

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1. “History of the LAPD,” Los Angeles Police Museum, accessed August 17, 2018, <http://laphs.org/history-of-the-lapd/>.
 2. “The LAPD: 1850-1900,” Los Angeles Police Department, accessed August 17, 2018, http://www.lapdonline.org/history_of_the_lapd/content_basic_view/1107.
 3. Edward J. Escobar, “Bloody Christmas and the Irony of Police Professionalism: The Los Angeles Police Department, Mexican Americans, and Police Reform in the 1950s,” *Pacific Historical Review* 72, no. 2 (2003), 171-199.

its “recruitment, training, internal disciplinary system and citizen complaint system” and to offer recommendations.⁴ When the *Report of the Independent Commission on the Los Angeles Police Department* (the Christopher Commission Report) was published in July 1991, it issued several criticisms of the department’s operations accompanied by several recommendations. Among its findings was that the BOPC alone was not well-equipped to provide effective civilian oversight of the complaint and disciplinary systems of the LAPD:

“Unfortunately, there is currently no effective oversight of the disciplinary process or of the punishments imposed. The Police Commission is charged by the City Charter with overseeing the LAPD, including the disciplinary system. But as it is presently structured, the Police Commission simply cannot, and does not, effectively review the adequacy of the disciplinary system. First, the Police Commission meets too infrequently, and has too many responsibilities, to review these summaries in detail. Second, because the Police Commission is not given the actual complaint files, it does not have the information necessary to determine whether the results are appropriate.”⁵

The Christopher Commission report recommended the creation of an OIG to take on the task of providing stronger oversight of the LAPD:

“We conclude that the best approach is to place oversight of the disciplinary process in the Police Commission, with that Commission being given adequate staffing to permit it to accomplish its mission effectively. This oversight responsibility would be centered in a new civilian staff position, the Office of the Inspector General, which will report directly to the Police Commission and its Chief of Staff, also a newly created position.”⁶

4. Tom Bradley, “The Charge by Mayor Tom Bradley to the Special Independent Commission to Review the Structure and Operation of the Los Angeles Police Department, with the Cooperation and Assistance of the Los Angeles District Attorney’s Office,” cited in Warren Christopher and John A. Arguelles, *Report of the Independent Commission on the Los Angeles Police Department* (Los Angeles: Independent Commission on the Los Angeles Police Department, 1991), 230–233.

5. Warren Christopher and John A. Arguelles *Report of the Independent Commission on the Los Angeles Police Department* (Los Angeles: Independent Commission on the Los Angeles Police Department, 1991), 168.

6. Christopher and Arguelles, *Report of the Independent Commission* (see note 5), 171.

Evolution of the Office of the Inspector General: 1995–2000

In 1995, Los Angeles residents decisively⁷ voted on a charter amendment creating the OIG⁸ as recommended by the Christopher Commission Report. The resulting charter amendments created the position of Inspector General (IG), appointed by the BOPC, working under the direction of the BOPC’s Executive Director. The relevant charter additions included the following:

“The Board of Police Commissioners shall have the power to appoint and remove an Inspector General of the Police Department, an employee whose position shall be exempt from the provisions of Article IX (Civil Service) and who shall not be a member of the Police Department.”⁹

The early powers and duties of the newly created IG were delineated as follows:

“The Inspector General of the Police Department shall, under rules established by the Board of Police Commissioners and under the direction of the Executive Director, audit, investigate, and oversee the Police Department’s handling of complaints of misconduct by police officers and civilian employees and perform such other duties as may be assigned by the Board.”¹⁰

On paper, the authority conferred upon the OIG positioned it to serve as effective oversight of LAPD, with broad powers to execute its mandate. A follow-up to the Christopher Commission Report drafted by a special counsel commissioned by the BOPC in the spring of 1996 lauded the broadness of the OIG’s authority, summarizing its responsibilities as overseeing the complaint intake process, auditing ongoing investigations and [complaint] classifications for propriety, interacting directly with the public concerning investigations and related matters, conducting random audits on various subjects, and conducting annual audits of the entire civilian

7. Charter Amendment 3 passed with 69 percent support of voters.

8. Charter of the City of Los Angeles (1990), https://codelibrary.amlegal.com/codes/los_angeles/cae3fd37-c1c1-4dbb-9231-20516db8cd09/laocharter/0-0-0-1/.

9. Charter of the City of Los Angeles (1990), Article XIX, §205(f).

10. Charter of the City of Los Angeles (1990), Article XIX, §206(d).

complaint process of the LAPD.¹¹ The report concluded that the city charter empowers the IG and BOPC executive director to “examine and audit the Department in any respect, including the undertaking of highly sensitive investigations when so directed by the BOPC.”¹²

Despite the initial fanfare, the OIG struggled in its early years to fulfill its role. Its independence, scope of authority, staffing, and access to information were major points of contention between the IG, BOPC, and LAPD administration. Exacerbating these struggles, in 1997 undercurrents of another major LAPD scandal were surfacing as the OIG was becoming operational. A series of incidents involving an elite LAPD gang and narcotics unit—including excessive use of force, evidence tampering, bank robbery, and perjury—in what would later be called the Rampart Scandal, took hold of the public’s attention and further tarnished the department’s relationship with the public. The Rampart Scandal resulted in more than \$125 million in settlements¹³ and would eventually contribute to the LAPD being placed under a federal consent decree.

The OIG’s attempt to investigate Rampart-related incidents escalated tensions between the department and the IG significantly. Indeed, many at the time felt that then Chief Bernard Parks tried to obstruct the OIG’s investigations by refusing to cooperate.¹⁴ In November 1998, the first inspector general, a former prosecutor in the Special Investigations Division of the Los Angeles District Attorney’s office, resigned after the BOPC president attempted to reduce the OIG’s authority to reviewing only adjudicated complaints investigated by the department.¹⁵ During this time, the OIG and BOPC frequently disagreed over whether or not the OIG was to report to the BOPC as a whole or only to the BOPC executive director. While the language of the Christopher Commission’s recommendation stated the OIG should “report directly to

11. Merrick J. Bobb et al., *Five Years Later: A Report to the Los Angeles Police Commission on the Los Angeles Police Department’s Implementation of Independent Commission Recommendations*. (Los Angeles: Los Angeles Police Commission, 1996), 50–51.

12. Bobb et al., *Five Years Later* (see note 11), 51.

13. “Rampart Scandal Timeline,” PBS Frontline, accessed August 17, 2018, <https://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/cron.html>.

14. “Interviews: Detective Russell Pool,” PBS Frontline, accessed August 17, 2018, <https://www.pbs.org/wgbh/pages/frontline/shows/lapd/interviews/poole.html>.

15. “Los Angeles Police Watchdog Resigns: City Set for Debate,” *The New York Times*, November 15, 1998, <https://www.nytimes.com/1998/11/15/us/los-angeles-police-watchdog-resigns-city-set-for-debate.html>.

the BOPC and its Chief of Staff, also a newly created position,”¹⁶ the charter amendment that created the OIG in 1995 left the OIG to operate “under rules established by the Board of Police Commissioners and under the direction of the Executive Director.”¹⁷

In 1998 and 1999, the LAPD and the BOPC’s executive director made a concerted effort to weaken the authority of the OIG. In December 1998, one city council member raised concerns after the BOPC executive director dismissed a complaint filed at the OIG without forwarding the complaint to OIG staff.¹⁸ During another city council session in September 1999, city council member Cindy Miscikowski raised additional concerns regarding Chief Parks’s efforts to limit the OIG’s access to information and moved for the city attorney to issue a determination concerning the OIG’s role and access to information.¹⁹ At a November 1999 city council session, city council member Michael Feuer made reference to a special order signed by Parks stating “Roles not suited for the Inspector General include misconduct investigations, criminal investigations, and use of force investigations performed by the Department. Roles intended for the Inspector General would include the Department’s handling of these investigations.”²⁰

As investigations into the Rampart Scandal continued, the mayor and city council took several measures to enhance the OIG. A set of city ordinances passed in February 1999 strengthened protections for city employees who contacted or were contacted by the OIG, prohibiting retaliation against anybody for cooperating with its work.²¹ Then, in June 1999, Los Angeles voters passed a ground-up city charter rewrite that included a revised section codifying the OIG’s direct reporting to the BOPC as a whole, clarified its authority to initiate investigations into any aspect of the LAPD, and secured unfettered access to all departmental information and records.

16. Christopher and Arguelles, Report of the Independent Commission, 171 (see note 5).

Note: the Chief of Staff position was never created.

17. Charter of the City of Los Angeles (1990), Article XIX, §206(d).

18. “Police Commission Executive,” Council File Number 98-2360, City of Los Angeles, last modified December 13, 1999, <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=98-2360>.

19. “Inspector General under the Provision of Christopher Commission,” Council File Number 99-1762, City of Los Angeles, last modified December 28, 2005, <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=99-1762>.

20. “Inspector General under the Provision of the Christopher Commission” (see note 19). It is worth noting that while the City Attorney supported this position, a Special Assistant City Attorney was quoted saying that the OIG has the authority to conduct “substantive investigations” on its own.

21. “Rights of Employees who Contact or Are Contacted by the Inspector General of the Police Commission,” Los Angeles City Ordinance No. 172466 (1999), §4.600, §4.601, §4.6002.

LAPD Under Consent Decree: 2001–2013

In May 2000, the Civil Rights Division of the U.S. Department of Justice (DOJ) notified the Office of the Los Angeles City Attorney that it had identified a pattern or practice of unconstitutional policing in the LAPD,²² pointing to serious deficiencies in LAPD’s use of force training, data collection, complaint handling procedures, and disciplinary system. In June 2001, following a city council vote to enter into a contract with consulting firm Kroll and Associates to serve as the independent monitor to the LAPD to report on the implementation of reforms, the city of Los Angeles formally entered into a consent decree. The consent decree initially required a federal court to oversee the implementation of reforms across several areas for a duration of five years. The decree would later be extended by U.S. District Court for the Central District of California Judge Garry Fees following his determination that the LAPD had not achieved substantial compliance with the requirements of the agreement.

Among the requirements of the consent decree were the creation of a more comprehensive early-warning system (known as the Training Evaluation and Management System, or TEAMS II);²³ revising use of force, search, and arrest procedures, reporting, and review processes; implementing a nondiscrimination policy and revising vehicular and pedestrian stop procedures; improving investigatory processes; enhancing training on police integrity; and conducting additional community outreach.

The improved data collection requirements in the consent decree were accompanied by a significant internal auditing component that expanded the oversight roles of the BOPC and the OIG. The department was required to create an Audit Unit tasked with developing an annual

22. Bill Lann Lee, “LAPD Notice of Investigation Letter,” letter to James K. Hahn, May 8, 2000, <https://www.justice.gov/crt/lapd-notice-investigation-letter>.

23. The consent decree required that TEAMS II track officer-level information such as all uses of force; vehicle pursuits and collisions; complaints, including their disposition and any subsequent discipline; commendations; criminal arrests, investigations, and charges; civil or administrative claims and associated lawsuits; arrest reports; crime reports; citations issued; assignment and rank history; training history; and all management and supervisory actions taken, including nondisciplinary actions.

audit plan (subject to BOPC modifications and approval) and conducting regular audits of warrant applications; arrest, booking, and charging reports; use of force reports; vehicle and pedestrian stops; confidential informant control packages; complaint investigations; training; and handling of contacts with persons who appear to have a mental illness.²⁴ The audit plan, as well as the status and findings of each audit, are to be reported to the BOPC and OIG on a quarterly basis. The BOPC was also assigned the duty of investigating all complaints against the chief of police with assistance from its staff, the OIG, and authorized contractors.²⁵

The consent decree added considerably to the OIG’s workload. It required the OIG to evaluate the quality, completeness, and findings of all department audits; review all CUOF investigations; and audit random samples of noncategorical use of force (NCUOF) and complaint investigations.²⁶ It further required the OIG to conduct regular audits of the department’s use of TEAMS II to identify officers demonstrating at-risk behavior and at-risk practices and procedures through trend analysis.²⁷ In the realm of critical incidents, the OIG was authorized to “roll out” to CUOF scenes and attend Use of Force Review Board meetings where the department issues findings and recommendations for the chief’s and then the BOPC’s consideration.

As mentioned in greater detail in the Staffing and Procedures sections later in this report, the OIG initially struggled to manage its new responsibilities. Budget, staffing, and organizational constraints necessitated the allocation of additional funds and new positions to the office for the independent monitor to determine whether the OIG’s work was compliant with the terms of the consent decree. Indeed, while the independent monitor’s initial quarterly reports found the OIG’s complaint handling procedures to be compliant, its audits and reviews of LAPD

24. Consent Decree, *United States of America v. City of Los Angeles, California, Board of Police Commissioners of the City of Los Angeles, and the Los Angeles Police Department*, CV 00-11769 (C.D. Cal. 2000), <https://www.justice.gov/crt/file/826956/download>, ¶124.

25. Consent Decree, ¶145 (see note 24).

26. Consent Decree (see note 24), ¶135–136.

27. *United States of America v. City of Los Angeles, California, Board of Police Commissioners of the City of Los Angeles, and the Los Angeles Police Department*, (see note 24), ¶138. Trend analysis included identifying patterns of at-risk behavior at both department-wide and sub-unit levels.

audits were largely found to be noncompliant.²⁸ In its final report, the independent monitor highlighted the numerous issues with the OIG's audits during the first three years of the consent decree: The samples it used in its reviews were inconsistent with those drawn by the department's Audit Division (AD), its written evaluation of department audits were inconsistent with their actual findings, it failed to point out several deficiencies in the AD's reports, and several of its audits and reviews were not completed on time.²⁹

In 2004 and 2005, the OIG made significant progress in addressing the deficiencies raised throughout the independent monitor's quarterly reports. A manual for conducting reviews and a matrix of standardized questions were created to guide staff audits and reviews; the office was restructured to allocate personnel more efficiently; and the staff recruiting process was modified to attract candidates with more relevant legal, auditing, and policy experience.³⁰ The OIG also worked with the independent monitor and the DOJ to require the OIG to review rather than audit CUOF and NCUOF incidents and complaints.³¹ By 2006, in a stark contrast with the independent monitor's assessments in the early years of the consent decree, the OIG was considered to be closer to achieving compliance with its requirements under the consent decree.³²

In 2006, the federal judge overseeing the decree's implementation extended it for another three years, citing the incomplete implementation of TEAMS II as a primary concern.³³ Once TEAMS II was fully implemented in March 2007, the independent monitor found the OIG's audit and review of the system to be "commend[able]," "well-organized," and "well-written."³⁴ By June 2008, the independent monitor determined that the OIG had achieved substantial compliance with its requirements under the consent decree.

28. *Report for the Quarter Ending September 30, 2003* (Los Angeles: Office of the Independent Monitor of the Los Angeles Police Department, 2003), 96–102, http://lapd-assets.lapdonline.org/assets/pdf/9th_quarterly_report_03_11_17.pdf; *Report for the Quarter Ending March 31, 2004* (Los Angeles: Office of the Independent Monitor of the Los Angeles Police Department, 2004), 55–67, http://lapd-assets.lapdonline.org/assets/pdf/LAPD_Q11_Report.pdf.

29. *Final Report* (Los Angeles: Office of the Independent Monitor of the Los Angeles Police Department, 2009), 125.

30. *Final Report* (see note 29), 126.

31. *Final Report* (see note 29), 126.

32. *Report for the Quarter Ending September 30, 2006* (Office of the Independent Monitor of the Los Angeles Police Department, 2006), 41–45, http://lapd-assets.lapdonline.org/assets/pdf/LAPD_Q21_Final_Report_11-15-2006.pdf.

33. "LAPD Consent Decree Renewed," *Daily News*, May 16, 2006, <https://www.dailynews.com/2006/05/16/lapd-consent-decree-renewed/>.

34. *Report for the Quarter Ending December 31, 2007* (Los Angeles: Office of the Independent Monitor of the Los Angeles Police Department, 2008), 44–45, http://lapd-assets.lapdonline.org/assets/pdf/Kroll_QE123107.pdf.

In July 2009, the federal court and city of Los Angeles entered a transition agreement, passing the full responsibility of overseeing the LAPD onto the BOPC and OIG.³⁵ The OIG in particular was directed to conduct detailed reviews of the department’s use of TEAMS II, its measures against biased policing, and the implementation of a financial disclosure program for officers and employees who handle valuable contraband and cash.³⁶ The methodologies for these reviews were developed in consultation with the DOJ. The BOPC executive director lauded the OIG’s work in conducting these reviews, claiming the OIG played “a big role in the Department’s ability to overcome the reforms of the Consent Decree and to meet the expectations set forth by the Commission.”³⁷ In 2013, the transition period ended and the consent decree was officially lifted.

35. Order Re: Transition Agreement, *United States v. City of Los Angeles et al.* (C.D. Cal. 2000), 2:00-cv-11769-GAF-RC, § I(D).

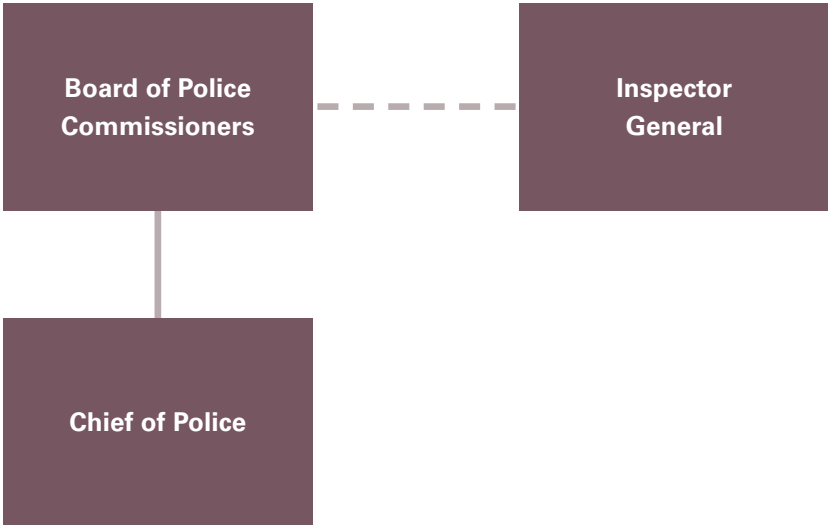
36. Order Re: Transition Agreement (see note 35).

37. Richard M. Tefank, Executive Director, Board of Police Commissioners, “Recommendation for the Police Commission Unit Citation,” letter to the Board of Police Commissioners, September 12, 2011, http://www.lapdpolicecom.lacity.org/092011/BPC_11-0371.pdf.

Organizational Structure of Civilian Oversight of the LAPD: 1995–Present

While the consent decree brought about many changes to both LAPD and the OIG, the structure of the LAPD’s civilian oversight system, shown in figure 1, remained largely unchanged following the OIG’s creation in 1995. Central to the LAPD oversight system is the five-member civilian head, the BOPC.

Figure 1. Organizational chart of civilian oversight of the Los Angeles Police Department



Dotted line indicates an indirect working relationship between two entities. While the OIG is an independent entity, it works closely with and in some cases on behalf of the BOPC.

Board of Police Commissioners organization

The BOPC serves as the civilian head of the LAPD responsible for setting department policy and overseeing the department's operations. It consists of five civilians appointed by the mayor and confirmed by city council.³⁸ Members are allowed to serve a maximum of two five-year terms.³⁹ Presidency of the commission is limited to two consecutive one-year terms.⁴⁰

As described in the Scope of Authority section later in this report, the BOPC is authorized to participate in the recruitment process of the chief of police and to initiate proceedings for his or her removal. The chief of police, appointed by the mayor and subject to approval by the BOPC and the City Council, serves as the chief executive officer of the BOPC, responsible for LAPD's day-to-day operations and implementing the BOPC's policy goals. The chief reports to⁴¹ and is evaluated annually by the BOPC.⁴²

The BOPC has several units and staff working under the direction of its executive director, who is appointed by and may be removed by the commission. The executive director also serves as a liaison between the BOPC and the Office of the Chief of Police. Prior to the charter amendment in 1999, the city charter language established OIG operations to be guided by rules established by the BOPC working under the direction of the BOPC's executive director.⁴³

Office of the Inspector General organization

The OIG reports directly to the BOPC. As shown in figure 2 on page 13, the office is divided into three main sections—an Audit Section, a Complaints Section, and a Use of Force Section—each headed by an Assistant Inspector General (AIG). A Community Relations arm, serving as a conduit between oversight stakeholders and the community, was added in 2012.

38. Official City of Los Angeles Charter (1999), Volume I, Article V, §502(a).
https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-2.

39. Official City of Los Angeles Charter (1999), Volume I, Article V, §571(a).

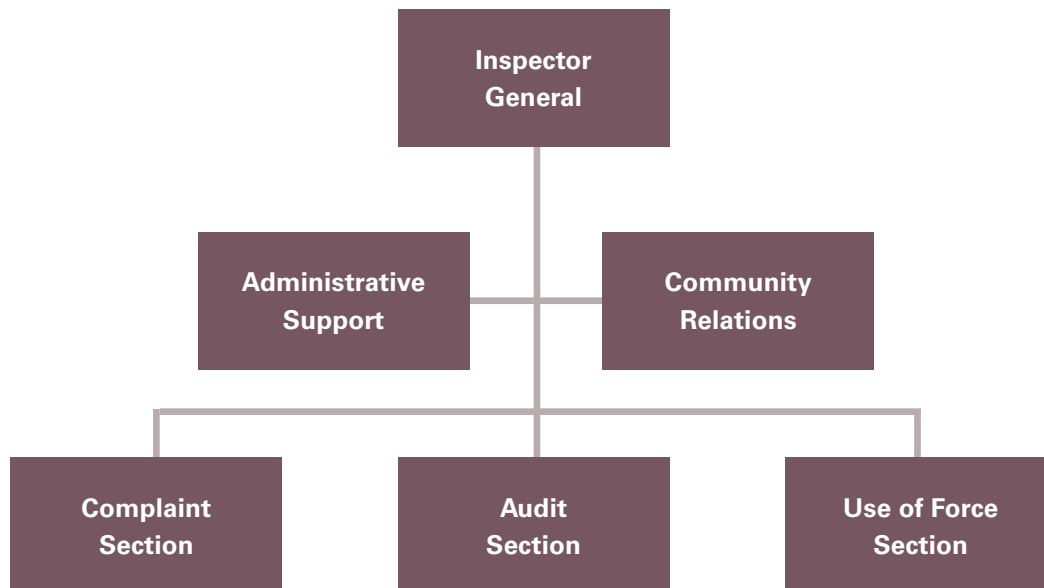
40. Official City of Los Angeles Charter (1999), Volume I, Article V, §571(a).

41. Official City of Los Angeles Charter (1999), Volume I, Article V, §574.

42. Official City of Los Angeles Charter (1999), Volume I, Article V, §571(b)(2).

43. Official City of Los Angeles Charter (1999), 1999. Article XIX, §206(d).

Figure 2. Organizational chart of LAPD OIG



The Complaint Section is responsible for receiving and reviewing the LAPD’s investigations into civilian- and internally generated complaints of officer misconduct, investigating allegations of misconduct by the chief of police, and producing reports on complaints to the BOPC.⁴⁴

The Audits Section conducts performance audits to determine whether LAPD employees are complying with the rules and procedures set forth in LAPD’s policy manual and related directives.⁴⁵ Its audits are generally in response to developing trends or issues identified or observed with LAPD practices and procedures.

The Use of Force (UOF) Section oversees the LAPD’s investigations and reviews of all CUOF incidents⁴⁶ from beginning to final adjudication.⁴⁷ UOF Section staff respond to the scene of each major use of force incident, review investigations completed by the department, observe

44. “Complaint Section,” Office of the Inspector General Los Angeles Police Commission, accessed August 6, 2020, <https://www.oig.lacity.org/special-investigations-section>.

45. “Audit Section,” Office of the Inspector General Los Angeles Police Commission, accessed August 6, 2020, <https://www.oig.lacity.org/audit-and-complaint-section>.

46. Categorical uses of force include officer-involved shootings, any death of a person in police custody, any use of force resulting in the subject’s hospitalization, deliberate strikes to the head with an impact weapon, and neck restraints.

47. “Use of Force Section,” Office of the Inspector General Los Angeles Police Commission, accessed August 6, 2020, <https://www.oig.lacity.org/use-of-force-section>.

deliberations by the department's Use of Force Review Board (UOFRB), and prepare their own separate report and recommendations on each incident for the BOPC's consideration when adjudicating CUOF cases.

The Community Relations arm works at the direction of the IG.⁴⁸ It focuses on specific matters of public concern, responds to inquiries from individuals and groups involved in the LAPD's oversight system, and manages the office's external communications and social media presence (Facebook, YouTube, and Twitter).

The structure and staffing of the OIG has undergone several changes over time as a result of both leadership changes at the office and concerns raised by the independent monitor. Until the summer of 2018, the office was divided into an Audit & Complaint Section, a Special Investigations Section, and a Use of Force Section. Before then, beginning in 2004, the office was divided into three sections similar to its organization today.

Furthermore, the Use of Force Section and Audit Section were formerly under the direction of a single AIG. In 2005, the office was reorganized to accommodate an additional AIG position so that each of the three sections worked under a dedicated AIG. This reorganization, which also included several new staff hires described below, was funded by a one-time disbursement of \$450,000 in consent decree funds out of the city's LAPD Consent Decree Program account in FY 2004–2005.⁴⁹

Office of the Inspector General staffing

Whereas the OIG had a staff of just 12 in 1999, the OIG had approximately 30 staff members throughout the consent decree era reorganization. In 2017, the office was still staffed by roughly 30 individuals—many of whom serve multiple functions. In addition to one IG and three AIGs, the OIG has 16 investigators, six auditors, 22 analysts, two outreach specialists, one IT manager, and four administrative staff.⁵⁰ While most staff work under the direction of a particular section, the IG noted at the time of our site visit that large projects end up being collaborative efforts with multiple staff being engaged across the office's three primary sections.

48. "Community Relations and Strategic Initiatives Section," Office of the Inspector General Los Angeles Police Commission, accessed August 6, 2020, <https://www.oig.lacity.org/community-relations-and-strategic-i>.

49. City Council Motion 00-021–275, City Council of Los Angeles, October 5, 2004.

50. These positions will not sum to 30 because several OIG staff assume more than one role within the office.

The minimum requirements for the IG position as stipulated by Los Angeles's Civil Service Commission include a four-year degree and two years of full-time senior executive experience in the field of private investigation, legal services, command-level law enforcement, or second-level supervisory administration.⁵¹ In practice, past IGs have been former district attorney prosecutors, assistant U.S. Attorneys, and oversight agency executives in other jurisdictions. AIGs typically have backgrounds in law, law enforcement, and civilian oversight.

Auditors typically have four-year degrees and two years of experience conducting performance, compliance, operations, or program audits or investigations pertaining to personnel administration and policy or law enforcement.⁵² Auditor duties include conducting performance audits, analyzing data, and preparing audit reports. The OIG's auditors are typically certified auditors, holding a combination of certifications such as Certified Fraud Examiner (CFE), Certified Law Enforcement Auditor (CLEA), Certified Public Accountant (CPA), or Certified Internal Auditor (CIA). Prior to the 2005 office reorganization, auditors were recruited under the city's Management Analyst position, which required a less specialized technical knowledge of auditing, public policy, and law enforcement operations. The reallocation of the auditor position from Management Analyst to Police Performance Auditor was the result of the Independent Monitor's concerns over the OIG's audit procedures and timeliness during the early years of the consent decree.⁵³

Investigators, hired under the Police Special Investigator II civil service title, analyze the LAPD's operations, use of force reports, arrest records, search warrants, and complaint investigations. Experience requirements include either five years of experience conducting criminal or internal investigations, a graduate degree in criminal justice or a related field and two years of experience working in a government agency, or a juris doctor degree and one year of experience

51. *Class Specification: Inspector General 0601* (Los Angeles: City of Los Angeles Civil Service Commission, 1999), <http://per.lacity.org/perspecs/0601.pdf>.

52. "Police Performance Auditor 1627," City of Los Angeles, last modified December 2, 2016, https://agency.governmentjobs.com/lacity/job_bulletin.cfm?jobID=1598045&sharedWindow=0.

53. *Final Report* (see note 29), 125.

in community or governmental law.⁵⁴ Investigators attend mandated department trainings on conducting investigations. In addition, some staff are Certified Practitioners of Oversight (CPO) or are certified in Force Science Analysis. Similar to auditors, some Management Analyst positions were reallocated as Special Investigator II positions following concerns raised by the independent monitor during the implementation of the consent decree. In total, 10 Management Analyst II positions were reallocated to three Special Investigator II and seven Police Performance Auditor positions during the 2005 reorganization.⁵⁵

All OIG staff are trained regularly through a combination of in-house, city, and department trainings. Subject matter for trainings include implicit bias, sexual harassment and discrimination, Tools for Tolerance, and others as needed. Staff also regularly attend conferences and events hosted by the National Association for Civilian Oversight of Law Enforcement (NACOLE), the International Law Enforcement Auditors Association (ILEAA), the Association for Inspectors General (AIG), and the International Association of Chiefs of Police (IACP).

Budget

Funds appropriated to the LAPD, BOPC, and OIG are grouped together in the city budget. The annual budget for the BOPC and the OIG are therefore not separate line items, and an exact figure cannot be readily determined. In 2017, the IG estimated that the overall budget for the office was \$8.5 million, \$6 million of which is allocated to personnel expenses.

54. *Special Investigator II Job Announcement*, (Los Angeles: Los Angeles Police Commission Office of the Inspector General, n.d.), https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/106/attachments/original/1458071629/6-LA_OIG-Special-Investigator-II-1.pdf?1458071629.

55. Andre Birotte, Jr., Los Angeles Police Commission Inspector General, "Re: Office of the Inspector General Reorganization Status Report," letter to the Public Safety Committee, January 27, 2005.

Scope of Authority

Board of Police Commissioners

As the civilian head of the LAPD, the BOPC has broad authority over the chief of police and the department. It has the final say in setting and implementing departmental policy and procedure. It is further authorized to submit recommendations for recruiting and selecting the chief of police⁵⁶ and may also remove the chief at any time.⁵⁷ The BOPC has full, unfettered access to any and all police department information.

Formally, the BOPC is empowered by the L.A. City Charter to do the following:⁵⁸

- “Issue instructions to the Chief of Police concerning the exercise of authority conferred on the Chief of Police by the Charter, other than . . . disciplinary authority . . .
- Evaluate the Chief of Police annually, set or adjust the compensation for the Chief of Police . . . ; and forward a copy of the evaluation and salary determination to the Mayor and [City] Council for information
- Appoint and remove an Executive Director whose position shall be exempt from the civil service provisions of the Charter and who shall not be a member of the Police Department
- Appoint and remove an Inspector General . . . , whose position shall be exempt from . . . civil service provisions . . . and who shall not be a member of the Police Department”

The BOPC holds weekly public meetings at the LAPD headquarters, where oral and written reports are presented to the LAPD and community stakeholders. The BOPC also adjudicates all CUOF cases⁵⁹ in executive session after considering any separate recommendations by the chief of police and OIG, as described in further detail in the Procedures section of this report. OIG staff are present at most public meetings. OIG staff members are present during closed sessions and during the adjudication of CUOF cases to answer questions from the BOPC.

56. Official City of Los Angeles Charter (1999), Volume I, Article V, §575(a).

57. Official City of Los Angeles Charter (1999), Volume I, Article V, §575(d). Note that §575(e) also authorizes city council to initiate proceedings for removing the chief by two-thirds vote and conducting a public hearing.

58. Official City of Los Angeles Charter (1999), Volume I, Article V, §571(b).

59. Categorical uses of force are defined as officer-involved shootings, in-custody deaths, neck restraints, deliberate strikes to the head with an impact weapon, and any use of force resulting in the hospitalization of the subject.

Office of the Inspector General

The OIG has an encompassing authority to audit, investigate, and review several aspects of the LAPD. Its official powers and duties as outlined in the city charter include the following:⁶⁰

- “Under rules established by the BOPC, audit, investigate, and oversee the Police Department’s handling of complaints of misconduct by police officers and civilian employees and perform other duties as may be assigned by the board
- Conduct any audit or investigation requested by majority vote of the board
- Initiate any investigation or audit of the Police Department without prior authorization of the BOPC, subject to the authority of the board by majority vote to direct the IG not to commence or continue an investigation or audit
- Keep the board informed of the status of all pending investigations and audits
- Appoint, discharge, discipline, transfer, and issue instructions to employees under his or her direction.”

The operational interpretation of the OIG’s authority has become increasingly broad over time, as evidenced by the formalized rules adopted by the BOPC shortly after the 1999 city charter revision.⁶¹ These rules make clear the OIG’s reporting structure; access to departmental records, information, and personnel; issuance of subpoenas; and authority to initiate an investigation into the department without the BOPC’s approval. They also ensure the confidentiality of complainants and witnesses and establish policies protecting those who cooperate with the OIG. Despite historically being a point of contention between stakeholders in the city, the scope of the OIG’s authority today is largely undisputed.

The BOPC is granted the broadest level of authority over the LAPD and OIG, giving it the authority to implement policy changes within the LAPD and direct the OIG to initiate an audit, review, or investigation into any aspect of the department’s operations. In other words, the BOPC is responsible for working out the “broad strokes” of the department—i.e., shaping a

60. Official City of Los Angeles Charter (1999), Volume I, Article V, §573(a–e).

61. *Policies and Authority Relative to the Inspector General* (Los Angeles: Los Angeles Board of Police Commissioners, n.d.), https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/106/attachments/original/1458071360/2-LA_OIG-OIG-Policies-and-Authority-1.pdf.

particular reform initiative and any associated policies—while the OIG often assists the BOPC by producing reports on certain issues as requested by the BOPC. For example, one of the BOPC’s former presidents placed a strong emphasis on reforming the LAPD’s use of force. Therefore, during his tenure, the BOPC directed the OIG to conduct comparative research into use of force policies and training as well as less-lethal force tools.⁶² These reports served in part as the basis of the BOPC, OIG, and LAPD’s collaborative effort to reform the department’s use of force.

The city charter allows the OIG to “conduct any audit or investigation” requested by the BOPC or to initiate its own audit or investigation into any aspect of the department of its own accord. The BOPC retains the authority to direct the OIG to cease an investigation per a majority vote held in a public session. The charter also guarantees that the OIG has the same full and unfettered access to department information as the BOPC. The OIG may also issue subpoenas and is required to notify the BOPC president prior to service of a subpoena.

Finally, the OIG is allowed to publish the findings of its research and investigations on its website. For the Complaints Section, these reports consist of topics ranging from issue-specific training to reviews of complaint classifications. They also include reviews of the department’s Quarterly Discipline Reports (QDR), which are summaries of complaint findings and any associated discipline for that quarter, and thematic reports such as reviews on workplace misconduct complaints. The Use of Force Section publishes reports on individual incident investigations conducted by the OIG as well as significant reports pertaining to specific force-related matters such as policy, training, and tactics. The Audit Section publishes reports on all other topics investigated, reviewed, or audited by the OIG. Such topics may include the department’s patrol deployment practices, in-car video system, or employment-related litigation settlements paid by the city.

62. Alexander A. Bustamante, *Comparative Review of Selected Agency Policies, Investigations, and Training on the Use of Force: OIG Final Report* (Los Angeles: Los Angeles Police Commission Office of the Inspector General, 2016), https://docs.wixstatic.com/ugd/b2dd23_753a586ac64546a8a2f85555eab0e324.pdf; Alexander A. Bustamante, *Overview of Less-Lethal Force Tools and Deployment* (Los Angeles: Los Angeles Police Commission Office of the Inspector General, 2017), https://docs.wixstatic.com/ugd/b2dd23_486428073da94a2aa412c01014b500b4.pdf.

Office of the Inspector General Procedures

As described earlier in this report, the consent decree had an enduring impact on both the LAPD's and the OIG's operations and procedures. Even after the consent decree was lifted, the LAPD's AD continues to conduct audits on many aspects required by the federal court, including categorical and noncategorical uses of force; complaint investigations; arrest, booking, and charging reports; warrant packages; confidential informants; interactions with mentally ill persons; and gang unit audits (referred to as Command Accountability Performance Audits).

In its final report, the Independent Monitor overseeing the consent decree's implementation invited the OIG to "step into their shoes." "Going forward, . . . in order to ensure the best use of its resources, the OIG will need to assess which reviews it should continue to conduct and its approach to these reviews. The OIG may wish to maintain the same reviews, or it may be appropriate to take on additional reviews. . . . The Monitor recommends that the OIG continues to challenge itself."⁶³ To this end, the OIG still conducts many of the audits stipulated in the consent decree and transition agreement. It has also gone beyond many of the requirements by focusing on more thematic special reports, such as researching best practices in civilian oversight and use of force.

Review/Audit processes

The OIG reviews audits conducted by LAPD's AD to assess their quality, completeness, and findings. Similarly, the OIG also conducts periodic audits of complaint and NCUOF investigations. The OIG now also conducts audits of several other aspects of the department's policies and procedures as deemed of interest by the IG or the BOPC. Past examples of such audits include employment litigation audits, suspicious activity report audits, and audits of complaint investigations involving gang and narcotics officers.

63. *Final Report* (see note 29), 129.

In addition to addressing staffing and resource issues, the consent decree brought about a series of changes to the OIG's approach to conducting audits and reviewing audits. In its final report, the independent monitor highlighted the many issues the OIG faced in conducting its work, primarily from 2001 to 2006:

“The Monitor noted numerous issues: The OIG's audit samples were selected independently from the audit samples used by AD [Audit Division of LAPD]; the OIG's conclusions that the Department's audits were ‘generally thorough and complete’ or ‘adequately addressed the issues set forth in the Consent Decree’ were not supported or were inconsistent with findings in its reports; the OIG did not identify numerous deficiencies in the Department's audit reports, nor did it perform any population completeness tests; and, lastly, the OIG did not complete its reviews of the Department's audits and its own reviews of CUOF [categorical use of force] and NCUOF [non-categorical use of force] incidents and complaints on a timely basis.”⁶⁴

In 2005, the OIG made several procedural changes to improve the quality and timeliness of all of its audit and review work. This included developing a formal audit and review schedule to complement the AD's annual audit plan as described in the Consent Decree section of this report. This schedule allowed the OIG to anticipate its workload and allocate resources appropriately.⁶⁵

Thereafter, the office created a standardized work plan detailing procedures for staff to follow throughout the course of a review or audit. This documentation included policies for properly maintaining audit documentation and references to support findings in the OIG's reports. All audits and reviews are supervised by the AIG devoted to the section conducting the audit or review.

In conjunction with the revised staffing plan, these changes brought the OIG's work in line with consent decree requirements by 2008. The employment of routine and standardized procedures gives the OIG the capacity to go beyond its routine reviews of department audits; it also frequently generates audits into various aspects of the department (e.g., search warrant packages or early-warning system calibration) of its own accord.

64. *Final Report* (see note 29), 125.

65. Andre Birotte, Jr., Los Angeles Police Commission Inspector General, “Re: Office of the Inspector General Reorganization Status Report,” letter to the Public Safety Committee, April 22, 2005.

Complaints

Civilian and internal complaints against LAPD officers can be submitted in a variety of ways: in person at a local police station or at the OIG office; by phone, mail, or fax; through the LAPD or OIG website; or through the OIG's smartphone applications. In practice, the majority of civilian complaints, including anonymous complaints, are received directly by the LAPD.

Complaint investigations are typically the responsibility of the LAPD's Internal Affairs Group (IAG) housed within its Professional Standards Bureau (PSB).⁶⁶ OIG investigations into individual civilian complaints, while technically possible given the OIG's authority, are rare. Instead, both the Audits and Complaints Section monitors select complaint investigations, audits the department's QDRs on a quarterly basis, and, when prompted by findings elsewhere or by the BOPC, issues reports on specific complaint classifications. A staff member working in the section framed the OIG's work on complaints as being focused on both procedure (through conducting audits) and substance (through monitoring individual complaints).

The OIG has the ability to direct any aspect of a monitored complaint investigation at any time when deemed appropriate. The Audits and Complaints Section can also track the status of an investigation into any complaint at any time. In addition, these sections review quarterly reports prepared by the IAG regarding discipline imposed in connection with any internal investigations. The purpose of the OIG's review is to assess the quality of completed investigations and to determine whether or not the discipline imposed by the chief of police is commensurate with the nature of the incident and the subject officer's history.

Recent reports include reviews of complaints classified as unbecoming conduct and of allegations of biased policing. Based on the findings of the review, the OIG will issue any recommendations for training or policy changes that may be required.

Mediation

The OIG is not directly involved in mediating complaints. The City Attorney operates two mediation programs that receive cases referred by the PSB: (1) a field program to attempt to resolve low-level complaints and (2) a program to address allegations of biased policing, which began

66. PSB also has a Force Investigation Division (FID) to investigate major uses of force and a Special Operations Division engaging in covert operations such as drug, sexual misconduct, and workers' compensation fraud investigations. Low-level complaints may be investigated by the subject's commanding officer.

in 2013.⁶⁷ Participation in either program is voluntary for both officers and complainants. The biased policing program was started in response to the difficulties associated with sustaining individual allegations of biased policing—in 2016, none of the approximately 250 biased policing complaints submitted were sustained. Of the 289 complaints referred to the program, 171 were deemed eligible for mediation.⁶⁸ Of that 171, only 29 were closed following a mediation.

In 2015, the OIG conducted a review of biased policing allegations, part of which included reviewing cases mediated through the department's Biased Policing Complaint Mediation Program.⁶⁹ The LAPD's 2016 Annual Report on Biased Policing and Mediation revealed moderate satisfaction with the Biased Policing Complaint Mediation program, with officers reporting an overall higher level of satisfaction than complainants from 2014–2016.

Categorical uses of force

OIG staff are involved in every aspect of CUOF⁷⁰ investigations from beginning to final adjudication. Following an incident, OIG staff are notified and respond to the scene along with investigators from the LAPD's Force Investigation Division (FID). OIG staff observe LAPD's handling of the investigation on scene to ensure that all relevant investigative procedures are followed. FID and OIG investigators work together closely at each scene, with the former often seeking OIG input.

FID investigations follow best practice procedures derived from the consent decree—such as conducting dual track administrative and criminal investigations and interviewing all officers individually and on the record. Thirty days into the investigation, OIG staff members receive a status briefing from FID investigators. The OIG conducts a preliminary review for thoroughness and works with FID detectives to address any observed deficiencies. The OIG has complete access to the investigative file and any related information, including body-worn camera footage.

67. LAPD's Annual Report on Biased Policing and Mediation notes that complaint types are not classified by specific allegation until the investigation is completed. In some instances, a biased policing allegation may be added after an investigation into a different type of allegation.

68. *2016 Biased Policing and Mediation Update – Annual Report* (Los Angeles: Los Angeles Police Department, 2017), 38, http://assets.lapdonline.org/assets/pdf/Biased%20Policing%20Rpt%20and%20Tables_%202016%20Year%20End.pdf.

69. Alexander A. Bustamante, *Review of Biased Policing Complaints* (Los Angeles: Los Angeles Police Commission Office of the Inspector General, 2015), https://docs.wixstatic.com/ugd/b2dd23_e0fc70608c994c46a0bf9233ae0175af.pdf.

70. Categorical uses of force are defined as officer-involved shootings, in-custody deaths, any use of force resulting in hospitalization, strikes to the head with an impact weapon, and neck restraints.

Two matrices—one to assess the investigation and one to assess taped interviews—were formerly used to evaluate the FID investigation.⁷¹ At the time of this writing, a single matrix is used to evaluate FID investigations.

CUOF investigations must be completed and adjudicated within one year of the incident—in practice, they take from eight to 10 months. When the FID report is complete, the LAPD Use of Force Review Division examines the report and makes recommendations to the chair of the LAPD’s five-member UOFRB.⁷² The UOFRB analyzes the case and makes recommendations to the LAPD chief regarding (a) whether any force used complied with department policy; (b) whether drawing of a firearm, if applicable, complied with department policy; and (c) whether the tactics used were consistent with department tactical training. The chief then recommends a disposition in each of these areas to the BOPC. The OIG also provides a report to the BOPC that includes an independent set of recommendations regarding the adjudication of the case, an assessment of tactics, and an evaluation of the quality of the FID investigation. The OIG report may also include additional policy changes or training recommendations. The BOPC issues the final adjudication on all categorical use of force incidents, and the chief of police is the final authority on any related discipline.

Reporting and recommendations

The findings and results of OIG’s investigations, audits, and reviews are most commonly communicated through reports to the BOPC that are distributed to the public online. Each report concludes with a series of recommendations formulated by the OIG for the BOPC to consider endorsing.

A cursory glance at the reports published under each section of the OIG point to the breadth of the OIG’s scope. For example, the Audits and Complaints Section has published reports on the department’s mental evaluation unit, intelligence investigations, jail inspections, and suspicious activity reports. The Special Investigations Section has published reports on crime classification, the department’s procurement process, homicide clearance rates, and in-car video.

71. *Report for the Quarter Ending June 30, 2008* (Los Angeles: Independent Monitor for the Los Angeles Police Department, 2008), 64, http://lapd-assets.lapdonline.org/assets/pdf/Kroll_QE063008.pdf.

72. The UOFRB consists of the director of the Office of Administrative Services, the involved officer’s commanding officer, a peer member, a staff member from the Office of Operations, and the commanding officer of the Police Sciences and Training Bureau.

The Use of Force Section, in addition to preparing reports on individual use of force incidents for the BOPC, also contains reports on less-lethal force options, suicide-by-cop incidents, and a 10-year overview of CUOF.

The OIG also publishes significant reports on broader topics such as nationwide reviews of best practices in policing. In recent years, the OIG has taken a strong interest in addressing implicit bias and adopting procedural justice as a guiding value within the department, in relation to contact with the public, and internally. The OIG's embrace of internal procedural justice has been crucial in achieving legitimacy with rank-and-file officers in the department and the union. By taking into serious consideration fairness and consistency within the department's disciplinary and promotions system, the OIG appears as a fair and impartial party overseeing the department's internal processes. The OIG's adoption of internal procedural justice as a guiding principle in its own work can be evidenced by a review it completed concerning a high-profile termination incident, in which an officer shot several people after feeling the disciplinary process was unfair.

In 2016, the OIG completed two reports examining use of force policies and use of force investigations. One report examined use of force policies in other departments based on site visits by OIG to four cities that had adopted recent improvements designed to reduce use of force incidents. The OIG presented findings from these agencies to two commissioners and devised a series of recommendations regarding policy and training to the full BOPC. The second report detailed the results of a 10-year overview of categorical use of force investigations, policies, and training.

Policy recommendations typically come from the findings of OIG reports or at the request of the BOPC. In practice, policy development is a collaborative effort between all stakeholders. The OIG, BOPC, and several policy working groups within the department frequently collaborate on the details of specific issues before recommendations are formally adopted by the BOPC.

Outreach and Community Engagement

The OIG uses a variety of channels to communicate with the residents of Los Angeles. OIG reports are distributed to interested parties through a list of approximately 600 email addresses. Its website contains both an introductory and a use of force video, as well as links to reports produced by the different sections of the OIG. OIG staff meet with larger community organizations regularly and with smaller groups on specific issues and reports. In 2017, the IG estimated that he had spoken to more than 2,000 Los Angeles residents through various forums.

The office also has a presence on Facebook⁷³ and Twitter,⁷⁴ which are used mainly to communicate to the community in real time when the OIG arrives to the scene of a categorical use of force incident. The OIG also uses social media to highlight news stories and other content about the LAPD, provide updates about office activities, and respond to inquiries from the public and the media.

73. Office of the Inspector General-Los Angeles Police Commission, Facebook page, accessed June 8, 2021, <https://www.facebook.com/Office-of-the-Inspector-General-Los-Angeles-Police-Commission-603352213060707/>.

74. OIG Twitter page, username @OIGLABOPC, accessed June 8, 2021, <https://twitter.com/oiglabopc>.

The wave of high-profile incidents in 2020 between police and community members prompted widespread calls for greater community oversight of law enforcement agencies. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices, a white paper by the National Association for Civilian Oversight of Law Enforcement, outlines the history of civilian oversight including reference to this case study of the Los Angeles Police Department and eight others.



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U.S. Department of Justice

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