

LOS ANGELES POLICE COMMISSION

BOARD OF
POLICE COMMISSIONERS

—
EILEEN M. DECKER
PRESIDENT

SHANE MURPHY GOLDSMITH
VICE PRESIDENT

DALE BONNER
SANDRA FIGUEROA-VILLA
STEVE SOBOROFF

MARIA SILVA
COMMISSION EXECUTIVE ASSISTANT II



ERIC GARCETTI
MAYOR

RICHARD M. TEFANK
EXECUTIVE DIRECTOR

MARK P. SMITH
INSPECTOR GENERAL

—
EXECUTIVE OFFICE
POLICE ADMINISTRATION BUILDING
100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

—
(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 236-1440 TDD

August 12, 2020

The Honorable Nury Martinez
Los Angeles City Council President
Los Angeles City Council
200 North Spring Street, Suite 470
Los Angeles, CA 90012

Re: Council File Nos.: 20-0730, 20-0731, 20-0764, 20-0778, 20-0791

Dear Council President Martinez:

The purpose of this letter is to respond to the requests for information made in the above-listed Council Motions that were passed in response to recent protest activity in Los Angeles and the call for police reform. This letter is intended to be a comprehensive response to Council Motions that requested information from both the Board of Police Commissioners (BOPC) and the Inspector General (IG), who is an employee of the BOPC.

This response is generally divided into three broad categories, which correspond to the reform efforts that the BOPC has and is currently implementing, specifically:

1. Oversight of investigations into the Los Angeles Police Department's (LAPD) response to recent protests;
2. Recent reforms adopted by the BOPC; and
3. Anticipated future reforms and actions by the BOPC.

Where possible, the specific motions to which this response addresses are referenced in footnotes.

Oversight Relating to the LAPD Response to Recent Protests

In order to conduct its oversight function and evaluate the actions of the LAPD during the recent protest activity, the BOPC has taken a number of actions, including:¹

- With the approval of the City Council on June 29, 2020,² the BOPC recently worked to engage the National Police Foundation, an independent, non-partisan organization, to conduct a comprehensive review of the LAPD's key tactical actions between May 29, 2020 and June 7, 2020, specifically police tactics, deployment, command and control, and use of munitions.³ While the earlier Council Motion⁴ requested a "thorough review and explanation of the tactics used by LAPD personnel on Saturday, May 30, 2020," the independent review overseen by the BOPC will cover the entire two-week protest period to include May 30, 2020.

The National Police Foundation previously conducted detailed independent reviews of the law enforcement responses to the San Bernardino terrorist attack, the Orlando Pulse nightclub attack, the events involving former LAPD Officer Christopher Dorner, and the Marjory Stoneman Douglas High School shooting in Parkland, Florida. It is our expectation that they will conduct a similarly thorough review during this engagement.

The purpose of this independent review is to ensure that an objective and thorough assessment of the LAPD's actions, to include decision-making and the specific tactics employed, is conducted. It will also include all requests made in the Council Motion, specifically to include, "the chain of events that led the decisions to have LAPD officers engage with protesters" and "the purposes and types of less-than-lethal tools used," and the response to "smaller groups committing acts of arson, looting and vandalism."⁵ The BOPC expects to have the results of this review completed and presented to the BOPC in approximately six months, at which time the report will be forwarded to the City Council for its review and consideration.

- In addition to an independent review by the National Police Foundation, the BOPC directed the Office of the Inspector General (OIG) to oversee the LAPD internal investigations into its response to the protests. The BOPC also expressly requested that the OIG solicit information and complaints from the public and ensure that all members of the public who have information to share have the opportunity to come forward. The efforts of the OIG in these areas include:

¹ Council File Nos. [20-0731](#) (requesting a report back on tactics), and [20-0778](#) (while this motion was directed to the LAPD, the BOPC is also responding in the interest of full disclosure because the motion requests information on how "allegations of misconduct" will be investigated and BOPC actions are relevant to any response).

² Council File No. [20-0866](#) (authorizing funds for an independent report and requesting the report to be presented to Council).

³ Council File Nos. [20-0731](#), [20-0778](#) (motions relating to reviewing tactics, investigating complaints and allegations of misconduct).

⁴ Council File No. [20-0731](#).

⁵ Council File No. [20-0731](#).

Letter to Council President Martinez

Re: Council File Nos.: 20-0730, 20-0731, 20-0764, 20-0778, 20-0791

August 12, 2020

Page No. 3

- Receiving and cataloguing each complaint alleging misconduct related to the protests (to ensure that every complaint is properly investigated);⁶
- Responding directly to individual complaints made by members of the public by email or telephone;
- Ensuring that each complaint of alleged LAPD misconduct resulted in a formal investigation by LAPD's Internal Affairs Group;
- Holding and participating in recurring meetings with LAPD's Internal Affairs Group, as part of the OIG's oversight and monitoring process of the investigations; and
- Identifying incidents that involve serious (i.e., "categorical") uses of force that would, therefore, require adjudication by the BOPC.

In the weeks ahead the BOPC, through the work of the OIG, will complete its oversight efforts regarding the investigations into the specific allegations of misconduct during the protest period. These efforts will include:

- Continuing to accept and review new complaints regarding officers' alleged conduct during the protest period, to include complaints relating to new protest activities that continue to take place;⁷
- Ensuring that the investigations into each allegation of officer misconduct are conducted in a thorough and unbiased manner;⁸
- Conducting continuing oversight of the pending investigations to ensure they are conducted expeditiously, but without sacrificing accuracy or completeness;
- Verifying that the decisions made in each investigation are based on a thorough investigation, a consideration of all of the facts, and an assessment of the relevant policies and laws that apply to each independent situation;⁹
- Verifying that there are sufficient and explicit policies, training, and rules in place that govern officer conduct with regard to crowd control, the use of less-lethal force, detentions, and arrests, as well as other police actions;¹⁰ and

⁶ Considerable efforts were undertaken to eliminate duplicate complaints, which ultimately numbered into the thousands due to emails and social media accounts. Furthermore, the OIG has worked to ensure that each piece of evidence is accounted for in the investigation of these incidents.

⁷ Council File No. [20-0731](#), [20-0778](#) (motions relating to reviewing tactics, investigating complaints and allegations of misconduct).

⁸ Council File Nos. [20-0731](#), [20-0778](#).

⁹ Council File Nos. [20-0731](#), [20-0778](#).

¹⁰ Council File Nos. [20-0731](#), [20-0763](#) (while this motion remains pending, some BOPC

- Determining whether existing policies, rules, procedures, and training programs are in need of reform and, if so, developing updated materials for the BOPC to adopt.¹¹

In cases where it is determined that a categorical use of force was used, consistent with its charter authority and its oversight of all such use of force cases, the BOPC will evaluate those cases by reviewing the specific facts of the case and determining whether or not the specific use of force employed was within or outside of the applicable use of force policies.¹²

Historical and Recently Adopted BOPC Reforms (Relevant to Council Motions)

In 2015, following several highly publicized shootings throughout the United States, the BOPC requested that the LAPD provide comprehensive statistics of the LAPD's use of force. This request has now evolved into the Annual Use of Force Year-End Review Reports that are prepared by the department, presented to the BOPC, and made available for public review.¹³ It should be noted that the collection and analysis of use of force statistical information is consistent with the Christopher Commission's statement that such data can be helpful in detecting patterns of behavior and the 21st Century Policing Task Force's list of best practices.¹⁴ The 2019 Annual Use of Force Report can be located at the following [hyperlink](#).¹⁵ These annual reports, presented by the LAPD to the BOPC in public hearings, provide detailed statistical data on the categorical and non-categorical uses of force, the types of force used, whether the force was determined to be in or out of policy, the personnel complaint process, and demographic data relating to the use of force. With respect to categorical uses of force, the commission publishes the factual and policy basis for all of its decisions online and those decisions can be located at the following [hyperlink](#). With respect to the non-categorical uses of force, on June 2, 2020 the BOPC requested that the OIG conduct a full audit and review of the non-categorical uses of force system, to evaluate its effectiveness. That audit is expected to be returned to the BOPC by February 2021.

In 2017, the BOPC directed the OIG to conduct a review of two policing reports, the Final Report on the President's Task Force on 21st Century Policing and the Police Executive

actions relate to this motion and this reference is provided in the interest of full inclusion), [20-0764](#) (such a review necessarily incorporates a review of past policy recommendations).

¹¹ Council File Nos. [20-0731](#) (evaluation of use of force and crowd control measures), [20-0763](#) (while this motion remains pending, the review will include aspects outlined in the motion such as evaluation of peer intervention programs, early warning systems, and other risk management issues), [20-0764](#) (a review of past reform report recommendations to ensure implementation), [20-0791](#) (compliance with special orders).

¹² Council File Nos. [20-0731](#) (investigate complaints filed "for use of force"), [20-0778](#) (describe "what disciplinary actions will be imposed on any officers found to have used excessive force against protesters or otherwise violated LAPD policies").

¹³ Council File No. [20-0791](#) (audit with respect to uses of force).

¹⁴ Council File No. [20-0764](#) (report on reform efforts); see also the [2017](#) OIG Report on the 21st Century Policing (pp. 28-31).

¹⁵ Previous Annual Use of Force Reports can be located at the following hyperlinks: [2015](#), [2016](#), [2017](#), [2018](#).

Letter to Council President Martinez

Re: Council File Nos.: 20-0730, 20-0731, 20-0764, 20-0778, 20-0791

August 12, 2020

Page No. 5

Research Forum's Report entitled the "Guiding Principles on Use of Force." Both reports were aimed at providing a broad series of recommendations for agencies working to combat crime while building community trust and minimizing the use of force. As a result of that review, the OIG issued two reports, one in [2017](#) and the other in [2019](#), reflecting the LAPD's progress in incorporating the specific reforms recommended in these reports.¹⁶ Many of the recommendations made in these reports are of an ongoing nature and, as a result, the BOPC, as part of its oversight function, will continue to get periodic independent reviews from the OIG of the LAPD's progress in achieving the goals expressed in these reports.

In the BOPC's continuing efforts to advance further reforms, and demonstrate an ongoing commitment to 21st Century policing, the BOPC recently passed a series of reforms, some of which were the subject of specific Council Motions. Specifically, the BOPC has:

- Banned the use of the carotid restraint control hold as a use of force technique (passed by the BOPC on 7/14/20).¹⁷
- Banned the use of the CalGang Database (passed by the BOPC on 7/14/20).¹⁸
- Adopted new in-custody death adjudication protocols (passed by the BOPC on 7/14/20).¹⁹
- Supported the creation of the Community Safety Partnership (CSP) Bureau by accepting grants to support the program (passed by the BOPC on 7/28/20), which followed the presentation of the [UCLA Evaluation of the LAPD Community Safety Partnership Report](#), presented to the BOPC at its [May 12, 2020](#) meeting;²⁰
- Adopted a new Use of Force policy to include the following new provisions:
 - Requiring verbal warnings when any use of force is applied;
 - Explicitly requiring the reporting of excessive force if used by another officer;
 - Explicitly requiring officers to intervene if another officer uses excessive force;
 - Requiring officers who intentionally point a firearm at a person to report such incidents, and:

¹⁶ Council File No. [20-0764](#) (an evaluation of past reform report recommendations to ensure implementation, including the President's Task Force on 21st Century Policing).

¹⁷ Council File No. [20-0730](#) (motion directed to the LAPD regarding the use of carotid holds); BOPC File No. [20-0074](#).

¹⁸ Council File No. [20-0764](#); BOPC File No. [20-0078](#).

¹⁹ Council File No. [20-0764](#); BOPC File No. [20-0076](#).

²⁰ Council File No. [20-0764](#); BOPC File No. [20-0092](#).

- Requiring that these incidents be included in the Department's annual year-end Use of Force Report; and
 - Requiring the Department to report these incidents in an annual report on the use of force to the California Department of Justice and to the United States Department of Justice, including additional details about the circumstances related to each incident.²¹
- An acceleration of existing training programs related to mental health, de-escalation, procedural justice, and implicit bias, specifically:²²
 - An expansion of Mental Health Intervention Training (MHIT), with the explicit goal of training 900 officers in 2020 (representing an increase from 700 officers in 2019);
 - The completion of De-escalation and Crowd Control Training for the entire Department by the end of 2020;²³
 - Delivering Procedural Justice Training to the remainder of the Department;²⁴ and
 - Delivering the Implicit Bias Update Course to the entire Department and complete retraining by the end of 2020.²⁵

Anticipated BOPC Reform Measures and Actions

In addition to the previous actions of the BOPC, which are substantially described above, the BOPC will continue to explore additional reforms in the coming weeks and months ahead. These measures include:

- Based on prior BOPC requests, the OIG is expected to complete and present the following reports by the end of calendar year 2020:²⁶
 - A review of stops/detentions, focusing on potential disparate impacts and utilizing an extensive examination of available video evidence

²¹ Council File Nos. [20-0763](#), [20-0791](#); BOPC File No. [20-0075](#).

²² A detailed verbal report on the status of achieving these training goals was provided to the BOPC at its June 23, 2020 meeting, and the written report can be found [here](#).

²³ Council File No. [20-0731](#).

²⁴ Council File No. [20-0764](#).

²⁵ Council File No. [20-0764](#).

²⁶ Each of which will be presented to the BOPC and forwarded to Council. Additional OIG reports are expected to be forthcoming in 2021 and beyond, at the direction of the Police Commission.

(both Body Worn Video (BWV) and Digital In-Car Video (DICV)) and data;²⁷ and

- A thorough review of the effectiveness of the LAPD's de-escalation policy.²⁸
- In addition, to the above-described report on BWV and DICV, the BOPC has directed the OIG to:
 - Include information regarding compliance with BWV and DICV²⁹ policies in every investigation of a categorical use of force considered by the BOPC in closed session;
 - The BOPC, beginning in July 2020, added this information to its publicly available published categorical use of force decisions;³⁰ and
 - Further, the BOPC requested the OIG to prepare a review of compliance with BWV and DICV policies for all categorical cases considered by the BOPC over the last year. That report is expected to be concluded in November 2020.
- The President of the BOPC recently announced the formation of an Advisory Committee on Building Trust and Equity. The members of the Advisory Committee represent a variety of skilled policy specialists, legal experts, and community leaders who will assist the BOPC President in accelerating a comprehensive review of LAPD policies and procedures, and in delivering recommendations for additional reforms.
 - Specifically, the Advisory Committee will focus its work on the following narrowly defined five areas, which also relate to many of the Council Motions:
 - (1) reviewing discipline and accountability;³¹
 - (2) assessing current policing reform proposals being considered throughout the country;³²

²⁷ Council File Nos. [20-0764](#), [20-0791](#).

²⁸ Council File Nos. [20-0764](#), [20-0791](#).

²⁹ Council File No. [20-0791](#).

³⁰ Those decisions can be found at the following [hyperlink](#).

³¹ Council File Nos. [20-0731](#), [20-0778](#).

³² Council File Nos. [20-0763](#) (while this motion remains pending, the review will include aspects outlined in the motion such as evaluation of peer intervention programs, early warning systems, and other risk management issues), [20-0764](#) (a review of past reform report recommendations to ensure implementation).

(3) evaluating the implementation of past LAPD reform proposals (to include the Christopher Commission Report, the Rampart Independent Review Panel Reports, and President Obama's Task Force on 21st Century Policing that are specifically identified in the Council Motion);³³

(4) examining the LAPD's recruitment, hiring, retention, and training process;³⁴ and

(5) analyzing data collection and retention practices.³⁵

- In conjunction with the Advisory Committee's work, the BOPC expects to organize a series of citywide community meetings to solicit feedback and ideas for reform. The meetings will be aimed at listening to a wide spectrum of community stakeholders regarding their concerns and ideas on policing reform. The meetings are expected to take place throughout September and early October.
 - The Advisory Committee is expected to complete its work by the end of the 2020 calendar year.
- In the process of completing all of the above efforts, the BOPC is also expected to:
 - Review the existing early warning systems, which are aimed at identifying problematic officer behavior, to ensure that they are as effective as possible;³⁶
 - Evaluate additional ways to enhance greater oversight, including providing additional training of officers who have exhibited patterns of high-risk behavior;³⁷
 - Support the creation of an updated LAPD website/homepage for ease of access by the public when seeking information on uses of force, complaints, crime statistics, and Department policies and procedures;³⁸

³³ Council File No. [20-0764](#) (a review of past reform report recommendations to ensure implementation).

³⁴ Council File No. [20-772](#) (while the motion is still pending, this information is provided in an effort to be responsive to the various requests of Council).

³⁵ Council File No. [20-0791](#) (the motion also requests a report on the funding required to comply with annual reports, which the BOPC will leave to the CAO to analyze as directed in the motion).

³⁶ Council File Nos. [20-0763](#), [20-0764](#).

³⁷ Council File Nos. [20-0763](#), [20-0764](#).

³⁸ Council File No. [20-0764](#).

Letter to Council President Martinez

Re: Council File Nos.: 20-0730, 20-0731, 20-0764, 20-0778, 20-0791

August 12, 2020

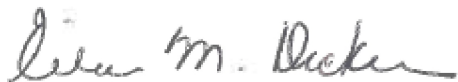
Page No. 9

- Create an independent BOPC website aimed at providing information regarding oversight; and
- Develop data analysis systems relating to the data collected pursuant to the Racial and Identity Profiling Act (RIPA).³⁹

Thank you for this opportunity to offer details about the significant efforts being undertaken by the BOPC and the work of the OIG in addressing the call for additional policing reforms, and to address specific motions passed by the City Council. To the extent the specific requests made in the Council Motions were not directly addressed by this letter, I expect the BOPC's work in the upcoming months will provide any additional information requested.

The BOPC remains committed to the execution of its solemn oversight responsibilities as defined in the Los Angeles City Charter and remains committed to working to continuously improve the City's confidence in its police department. We look forward to continuing to work collaboratively with you to ensure the policies and procedures of the Los Angeles Police Department reflect the standards and values expected by the community we serve.

Sincerely,



Eileen M. Decker
President
Board of Police Commissioners

cc: The Hon. Eric Garcetti, Mayor, City of Los Angeles
The Hon. Monica Rodriguez, City Council, Chair of Public Safety Committee
Shane Murphy-Goldsmith, Vice-President, BOPC
Steve Soboroff, Commissioner, BOPC
Sandra Figueroa-Villa, Commissioner, BOPC
Dale Bonner, Commissioner, BOPC
Michel Moore, Chief of Police, LAPD
Mark P. Smith, Inspector General, LAPD
Richard Tefank, Executive Director, BOPC

³⁹ Council File No. [20-0764](#).