



**HARVARD Kennedy School**

*Program in Criminal Justice  
Policy and Management*

# **Policing Los Angeles Under a Consent Decree: The Dynamics of Change at the LAPD**

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PROGRAM IN CRIMINAL JUSTICE POLICY AND MANAGEMENT  
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## Executive Summary

The Los Angeles Police Department is today completing one of the most ambitious experiments in police reform ever attempted in an American city. After a decade of policing crises that began with the beating of Rodney King in 1991 and culminated in the Rampart police corruption scandal in 1999, the U.S. Department of Justice announced in May 2000 that it had accumulated enough evidence to sue the City of Los Angeles over a pattern-and-practice of police misconduct. Later that year, the city government entered a “consent decree” promising to adopt scores of reform measures under the supervision of the Federal Court.

The experiment in police reform in Los Angeles has two components: the consent decree produced by the Justice Department’s intervention, and the leadership of Chief William Bratton, who since 2002 has focused the Department’s attention simultaneously on reducing crime, improving morale, and complying fully with the consent decree. What has the experience in Los Angeles revealed about policing under a consent decree? Has the consent decree achieved its purpose? How is the Los Angeles Police Department controlling its use of force; what is the state of police-community relations; how rigorous is the governance and oversight of the LAPD; and how is the culture of the Department changing? Most important, as the LAPD has incorporated the policies and practices specified in the consent decree into its own operations and management, has the Department won the public’s trust and confidence while reducing crime and bringing offenders to justice?

To answer those questions, we examined the LAPD using multiple research methods. We undertook hundreds of hours of participant observation from patrol to the command staff; we analyzed administrative data on crime, arrests, stops, civilian complaints, police personnel, and the use of force. We compiled surveys conducted over the last decade of police officers and residents of Los Angeles, and then conducted three surveys of our own, one of residents, another of LAPD officers, and a third of detainees recently arrested by the LAPD. Finally, we conducted a series of formal focus groups and structured interviews with police officers, public officials, and residents of Los Angeles. While some questions remain unanswered, this ranks among the most comprehensive assessments ever conducted of a police department outside of a time of crisis.

We found the LAPD much changed from eight years ago, and even more so in the last four or five years. Public satisfaction is up, with 83 percent of residents saying the LAPD is doing a good or excellent job; the frequency of the use of serious force has fallen each year since 2004. Despite the views of some officers that the consent decree inhibits them, there is no objective sign of so-called “de-policing” since 2002; indeed, we found that both the quantity and quality of enforcement activity have risen substantially over that period. The greater *quantity* is evident in the doubling of both pedestrian stops and motor vehicle stops since 2002, and in the rise in arrests over that same period. The greater *quality of stops* is evident in the higher proportion resulting in an arrest, and the *quality of arrests* is evident in the higher proportion in which the District Attorney files felony charges.

Our analysis confirmed what others have previously reported: that serious crime is down substantially in Los Angeles over this same period. Indeed, recorded crime is down in every police division in the city. A majority of Los Angeles residents no longer rate crime as a big problem, substantially down from only four years ago, and that is true among Black and Hispanic as well as White and Asian residents.

We asked residents specifically if they think the LAPD could police effectively while also respecting people's rights and policing within the law. More than twice as many residents see improvement than see deterioration, and the vast majority of each racial and ethnic group is hopeful that this kind of policing will soon be routine.

Both the management and the governance of the LAPD have also changed for the better under the decree. The officer tracking system known as TEAMS II is forcing supervisors to pay attention to officers who attract more civilian complaints or more frequently use force than their peers; and the management tool known as CompStat has helped to transform the Department's captains into strategic commanders, accountable for reducing crime while maintaining integrity and building public trust in police, one of several initiatives that go well beyond what the consent decree requires. In terms of governance, the Police Commission and the Inspector General have, in particular, enhanced the scrutiny of the Department's use of force, and of its handling of civilian complaints.

We found persistent differences in the experience of policing among Hispanic residents of LA and more so for Black residents. More than two-thirds of Hispanic and Black residents think well of the job the LAPD is doing today, rating it as good or excellent; yet a substantial minority within each of these groups remains unsatisfied with the Department, and ten percent of Black residents report that almost none of the LAPD officers they encounter treat them and their friends and families with respect. We therefore found it encouraging that, when looking ahead to the next three years, Black residents of Los Angeles are among the most hopeful about the Department.

In sum, the evidence here shows that with both strong police leadership and strong police oversight, cities can enjoy both respectful and effective policing. The LAPD remains aggressive and is again proud, but community engagement and partnership is now part of the mainstream culture of the Department. The Department responds to crime and disorder with substantial force, but it is scrutinizing that force closely and it is accountable through many devices for its proper use. Will the management and oversight improvements persist if the consent decree ends? Better yet, will management and oversight become still stronger? While we cannot answer those questions in advance, the LAPD appears ready for that test.

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## Acknowledgements

The research described in this report has its origins in conversations at the Executive Session on Policing and Public Safety, a joint undertaking of our program at the Harvard Kennedy School and the National Institute of Justice. Since January 2008, the Session has convened police executives in a structured discussion with scholars and others concerned with the future of policing. At the first meeting of the Session, several participants shared their own experiences of leading police departments subject to federal consent decrees or equivalent agreements with the U.S. Justice Department. Following that conversation, William Bratton suggested that the field of policing as a whole would benefit from a thorough, independent look at the experience in Los Angeles. Without his initiative and support, this research would not have been possible.

The Los Angeles Police Foundation provided financial support for the research, and Beth Ryan at the Foundation proved to be an invaluable partner throughout the research. At Harvard, Rachel Krebs at the Committee on the Use of Human Subjects shepherded our research design through several probing discussions with staff and committee members. Francine Cafarchia and the staff of the Interviewing Service of America also proved to be energetic, dedicated partners.

We benefitted from the insights of experts who have spent years studying and helping to improve policing in Los Angeles. Wellford Wilms and John Linder graciously shared the results of their own, earlier surveys of LAPD officers. Jennifer Magnabosco and Brianne Barclay at the Leavey Center for the Study of Los Angeles generously supplied us with data from several surveys of L.A. residents. Steve Cooley, the Los Angeles District Attorney, and Arif Alikhan, the Deputy Mayor responsible for public safety, kindly made themselves available for interviews. Merrick Bobb and Connie Rice spoke with us at length about changes in policing over time in the city of Los Angeles. Police Administrator Gerald Chaleff and the staff of the LAPD's Consent Decree Bureau shared both their offices and views about the evolution of policing in Los Angeles. Jeff Godown and the staff of CompStat unit repeatedly produced data we requested on crime and police activities. Maggie Goodrich and the staff of the TEAMS II Development Bureau handled our requests for data with patience and alacrity. Members of the Police Board of Commissioners generously shared their experiences and ambitions for the Department, as did the Commission's Executive Director, Richard Tefank, and Inspector General Andre Birotte. Captain Kevin McClure, Assistant Commanding Officer of the Consent Decree Bureau, has our enduring gratitude for coordinating all aspects of our collaboration.

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We reserve our deepest gratitude for the nearly two thousand officers of the LAPD and an equal number of LA residents who shared their experiences and views: completing our surveys, speaking in focus groups, and giving us their time. We hope this report advances their shared ambition for respectful and effective policing in the City of Los Angeles.

# 1. Introduction

## A Noticeable Difference

Policing in Los Angeles today is noticeably different from what it was only a few years ago. The quality of service to residents is higher, the perception of the LAPD as fair has risen, and the use of force is down.

Many residents of Los Angeles have noticed the difference. Today, 83 percent of residents say that the LAPD is doing a good or excellent job, up from 71 percent only 2 years ago, with the subgroup answering “excellent” doubling. On the sensitive issue of relations between police and racial or ethnic minorities, the percentage of residents saying that the police in their communities treat members of all racial and ethnic groups fairly “almost all the time” or “most of the time,” rose from 44 percent in 2005 to 51 percent today. And a majority of every racial and ethnic group in Los Angeles today reports that, based on their personal experience, most LAPD officers treat them, their friends, and family with respect. Incidents involving a serious use of force by a police officer are down by 15 percent over that same period.

Residents and statisticians are not the only ones who have noticed the change. In confidential interviews, several police officers described the change in the Department’s treatment of the public. As one officer explained:

When I came on the job the department was a little more callous. We take a different approach now and it’s for the better.

And as another put it:

Are the patrol officers treating people better? Yeah, they have to. When I came on the job some cops treated people like shit. Now they can’t.

But another officer cautioned:

Cops are way better in their treatment of the public, but we still have to guard against becoming callous.

Even people who have been arrested many times over these years by the Los Angeles Police Department are able to describe the change in policing. As one fifty-year-old African-American told us a few hours after his latest arrest:

...the LAPD has been doing a better job. I don’t want to play the race card, but I see less racism. They talk to me like I’m a man, not a piece of trash.

These views are not unanimous. Indeed, we interviewed many LA residents, police officers, and arrestees who remain deeply unhappy with the performance of the police department and who want to see more improvement. The administrative data also tell a story of partial success; for example, the use of force is down overall, but not in every division.

Still, the trend is clear in every indicator we examined. As the chapters that follow describe in detail, public perceptions of the LAPD are improving, the satisfaction among police officers themselves is growing, management and oversight of the police department is stronger, and the quality as well as the quantity of enforcement activity are rising.

### **The Justice Department's Intervention and Consent Decree**

We focus on these aspects of the police department's work and structure because controversy over these same aspects of policing gave rise to the federal, civil rights investigation that was settled in 2000 with a "consent decree." In that year, rather than fight a federal civil rights lawsuit alleging a "pattern-and-practice" of police misconduct, the Mayor, City Council, Police Commission, and Police Department signed a "consent decree" with the U.S. Department of Justice, giving the Federal District Court jurisdiction to oversee the LAPD's adoption of a series of specific management, supervisory, and enforcement practices. To monitor the LAPD's compliance with the terms of the consent decree, the Federal Court appointed a monitor on the joint recommendation of the Justice Department and the City.

The Federal Court's monitor has reported exhaustively on the City's and Department's compliance with the specific provisions of the consent decree, and we did not attempt to replicate that work here. Instead, this report takes a step back for a wider look at the issues that gave rise to the consent decree in the first place. We designed our research to answer the question: How has the LAPD changed since the consent decree? We focused on the professional work of the Department, its relations with the communities it serves, and its governance.

Some people believe that restraining a police department in its use of force, raising the standards for police stops, and tightening civilian oversight of police management all inevitably permit crime to rise by loosening the state's grip on criminals. The Los Angeles story proves such cynicism wrong. Indeed, the recent history of policing in Los Angeles demonstrates that respecting rights and reducing crime can be achieved together. Since 2003, as the police use of force declined, so did crime. As police-community relations improved, even in the poorest neighborhoods, so did public safety. The results in Los Angeles suggest that consent decrees can succeed and that the Justice Department can use its new power effectively at least in some circumstances.

Police work is difficult; police leadership complex. We undertook this study of the LAPD at the request of its chief, William Bratton. He believed that independent research would demonstrate that the Department had improved, though he knew the story would be uneven. And it *is* uneven. Crime is down in every police division, but plenty of police officers along with many LA residents are still unsatisfied with the Department's performance. This is not, in short, the end of the story. It is simply evidence that the Department knows how to improve, has improved, and will likely continue on that path, with or without the current level of scrutiny from the federal court.

## Los Angeles and the Legacy of Police Misconduct

The Los Angeles Police Department may be the world's best known police service, but notoriety has not always been good for the LAPD. In March 1991, a home video of three Los Angeles police officers beating Rodney King while a sergeant supervised and other officers looked on appeared on television screens around the world, erasing whatever romantic images of the LAPD remained from television shows of earlier decades like *Dragnet* and *Adam-12*.

Within a month, the public outrage over the videotaped beating caused Los Angeles Mayor Tom Bradley to appoint an Independent Commission on the Los Angeles Police Department, chaired by former U.S. Secretary of State Warren Christopher. The Christopher Commission, as it became known, examined the use of force in the LAPD and later that same year issued a blunt report:

The Commission found that there is a significant number of officers in the LAPD who repetitively use excessive force against the public and persistently ignore the written guidelines of the Department regarding force.... Graphic confirmation of improper attitudes and practices is provided by the brazen and extensive references to beatings and other excessive force in the M[obile] D[ata] T[erminal]s. The Commission also found that the problem of excessive force is exacerbated by racism and bias, again strikingly revealed in the MDTs. The failure to control these officers is a management issue that is at the heart of the problem. ... The Department not only failed to deal with the problem group of officers but it often rewarded them with positive evaluations and promotions.<sup>1</sup>

In April 1992, when the three officers who beat Rodney King and their sergeant were acquitted of all criminal charges against them, Los Angeles exploded into several days of rioting that again filled television screens around the world and left more than fifty people dead. President George H.W. Bush addressed the nation on television from the Oval Office on the third night of the riots, describing his own reaction to the original videotape of Los Angeles police officers beating Rodney King:

What you saw and what I saw on the TV video was revolting. I felt anger. I felt pain. I thought: How can I explain this to my grandchildren? Civil rights leaders and just plain citizens fearful of and sometimes victimized by police brutality were deeply hurt. And I know good and decent policemen who were equally appalled. I spoke this morning to many leaders of the civil rights community. And they saw the video, as we all did. For 14 months they waited patiently, hopefully. They waited for the system to work. And when the verdict came in, they felt betrayed. Viewed from outside the trial, it was hard to understand how the verdict could possibly square with the video. Those civil rights leaders with whom I met were stunned. And so was I, and so was Barbara, and so were my kids.

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<sup>1</sup> Forward to the Report of the Independent Commission on the Los Angeles Police Department (1991), pages iii-iv.

As President Bush told the nation, he immediately directed the U.S. Attorney General to send lawyers from the Justice Department's Civil Rights Division to Los Angeles, but in 1992 these lawyers did not yet have the power to sue the City or the Department to stop any pattern of misconduct. All the Justice Department could do then was to seek criminal indictments against the individual police officers for violating Rodney King's civil rights. And that is what they did, winning convictions against two of the four officers, including the supervising sergeant, in April 1993.

The next year, Congress gave the U.S. Department of Justice new powers to address a pattern-and-practice of police misconduct, authorizing the Justice Department to sue a state or local government in federal court and seek civil, injunctive relief.<sup>2</sup> This is the provision of law under which the Department would later negotiate the 2000 consent decree with the City of Los Angeles.

In 1996, the Justice Department began a preliminary investigation to determine if it should use its new powers in Los Angeles, but the investigation did not progress until a further scandal erupted, centered on the anti-gang unit of the LAPD's Rampart Division. The scandal grew out of allegations made in 1999 by Rampart Division officer Rafael Pérez that approximately 70 officers had, along with him, participated in a wide array of illegal conduct, including shootings, beatings, framings, and perjury. The scandal led to the dismissal of more than a hundred criminal cases and payments of approximately 90 million dollars to settle civil law suits filed by victims of police misconduct.

In May 2000, the Justice Department announced it had assembled enough evidence to file a pattern-and-practice suit, but Justice Department officials said that they would wait to file the lawsuit in hopes of reaching a voluntary settlement. In September, as the Rampart Scandal grew, the mayor and police chief dropped their opposition to the consent decree and the City Council voted 10-2 to accept it. In November, three of four police officers tried as part of the Rampart scandal were the first to be convicted of misconduct, in this case planting evidence and framing alleged gang members.

The city's agreement to the consent decree was news across the United States. As *USA Today* explained in a front page story:

This week, the Los Angeles Police Department is expected to make a confession to the public: Corruption is widespread, and the department can't handle the problem by itself.

The admission will come in the form of a consent decree, a legally binding agreement with the Justice Department that calls for reforms in the nation's second-largest police force. ...

Officials hope the decree marks a new beginning for a department that hasn't shaken its dirty-cop image since the 1991 beating of Rodney King. ...

"Police reform has been an unfinished item on the Los Angeles agenda for almost a decade," says Bill Lann Lee, head of the Justice Department's Civil Rights

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<sup>2</sup> The law, section 14141 of Title 42, United States Code, was adopted as part of the 1994 Crime Act.

Division. "This time, reform must be at the top of the agenda for as long as it takes to get the job done."<sup>3</sup>

The consent decree reiterated the Justice Department's allegations that the LAPD had engaged in a pattern of misconduct, but the decree also noted that the City and the Department denied any such misconduct. Instead, the parties settled the case "to provide for the expeditious implementation of remedial measures, to promote the use of the best available practices and procedures for police management, and to resolve the United States' claims without resort to adversarial litigation."<sup>4</sup>

The decree describes, in nearly two hundred numbered paragraphs, dozens of changes that the City committed to make in the way the LAPD operates. Some promised changes were huge:

- creating a new data system that tracks the performance of every sworn officer and alerts supervisors to signs that individual officers are headed for trouble
- creating new definitions, new rules, and new management systems governing the use of force by police officers
- creating new systems for tracking police stops of motor vehicles and pedestrians, breaking down the patterns by race and ethnicity, by the reasons for the stops, and by the results of the stops in terms of crime detected
- creating new management procedures in the LAPD's anti-gang unit and its other special divisions, tightening the management of "confidential informants" and otherwise increasing checks against possible corruption.

Other reforms that the City agreed to make were less comprehensive, but the result was a mass of changes so complicated that simply monitoring the City's compliance has cost tens of millions of dollars.

The consent decree gave the federal court continuing jurisdiction to enforce compliance with the decree. By the terms of the consent decree itself, the court's jurisdiction continued for at least five years, but could be extended. In June 2006, five years after the City began implementation, U.S. District Court Judge Garry Fees concluded that the City was not yet in substantial compliance with the decree and extended its term for three years. At this writing, Judge Fees is expected to consider again whether or not the City is in substantial compliance with the decree.

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<sup>3</sup> Scott Bowles, "LAPD agrees to list of reforms; U.S. will be watching" in *USA Today*, October 3, 2001, page 1A. Officials involved in the negotiations over the consent decree give varying accounts of the reasons for the city agreeing to settle the case without litigation, such as the political fallout from Rampart, or the Police Department's failure to follow through on earlier commitments to the Department of Justice over the implementation of an officer tracking database. We know of no authoritative account.

<sup>4</sup> Consent Decree, paragraph 6.

## The Crime Problem

No responsible official would pursue the reforms required by this kind of consent decree without attending simultaneously to the problem of crime. The consent decree itself does not discuss the need to reduce crime in Los Angeles, but no chief of police can afford to reform a department in ways that do not attend to crime problems, even while focusing on relations with residents and legal restraint on the use of force. By the same token, one way that police officers resist reforms required by a consent decree is by telling themselves and others that the reforms prevent them from dealing effectively with crime.

Indeed, the problem is more complex than this, for the fact of federal oversight itself, even apart from the specific provisions of the decree, can erode morale in a police department, sapping the confidence and spirit that effective policing requires. As one senior law-enforcement official outside the LAPD told us in describing the Department in 2000, after Rodney King, Rampart, and the consent decree, “morale was in the toilet.” The challenge for the leadership of the LAPD was not merely to carry out the reforms required by the decree, but to do so while rebuilding morale and reducing crime. The federal monitor would be measuring progress only on the first of those, but the Department’s leadership needed to attend to all three.

What is perhaps most remarkable about the story of policing in Los Angeles under the consent decree is that success in implementing the terms of the decree went hand-in-hand with improved morale and reductions in crime. In the first years, when the Department was led by officials who failed to implement the decree (perhaps because they had resisted and resented it from the start), crime in Los Angeles increased. Then, when new leadership in the Department began to drive implementation of the consent decree, the crime trend turned and fell. The pattern is unmistakable: recorded crime fell after 2002 during the period in which the decree was embraced by the leadership of the LAPD, after rising during the period in which implementation was stalled.

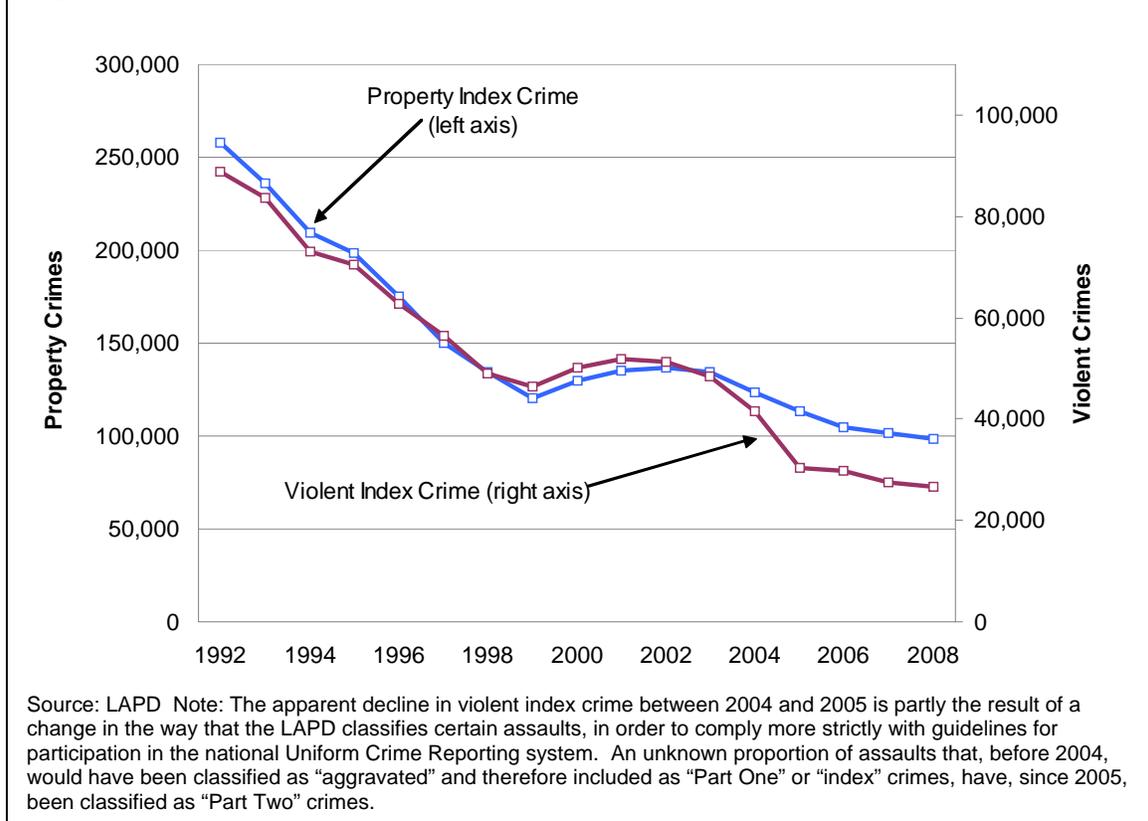
To understand this pattern, it helps to examine trends in recorded crime over a longer time frame.<sup>5</sup> Between 1992 and 1999, as the chart below shows, the number of reported “index” (or Part One) crimes – rape, robbery, homicide, aggravated assault, larceny, burglary, and auto theft – decreased by 52 percent in Los Angeles.<sup>6</sup> Property index crimes and violent index crimes fell in tandem, with the reduction in property crimes slightly exceeding that of the violent crimes (a 53% decline vs. a 48% decline). As Figure 1 illustrates, the rate of decline in both types of crime slowed in 1999 and then briefly reversed course. Between 2000 and 2002, total number of recorded index crimes increased 5 percent in the city of Los Angeles (from 179,483 to 188,341). From January 2003 to the end of 2008, the number of these crimes decreased 33.5 percent.

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<sup>5</sup> Rates of recorded crime decreased throughout the state of California as a whole in this period by 48 percent. The sustained reductions in reported crime in the US in the 1990s as well as in Canada are discussed by Frank Zimring in *The Great American Crime Decline*, Oxford, 2007.

<sup>6</sup> The Uniform Crime Reports, compiled by the FBI from reports submitted by police agencies across the United States, divide crime into Part One and Part Two offenses. Part One offences are also termed “index crimes.”

Figure 1. Recorded Index Crime, Los Angeles, 1992-2008

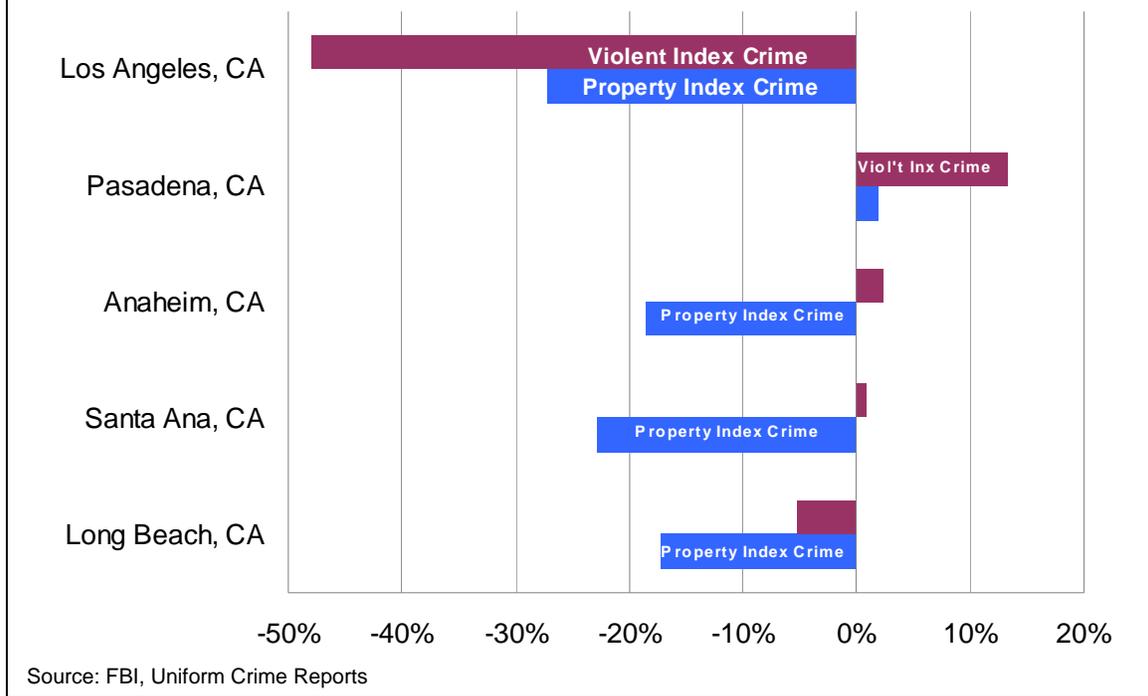


The modest increase in recorded crime from 2000 to 2002 deserves special attention since it coincided with the signing of the consent decree. Did the signing of the consent decree in some way cause the increase in crime?

A thorough answer to these questions would require elaborate data on demographics, employment, and changes in policing in multiple jurisdictions, well beyond the scope of this research. But we did compare changes in recorded crime in Los Angeles in this period with trends in several adjacent communities as well as in the state as a whole and found that recorded crime rose and fell in similar ways until 2002. In Long Beach, Anaheim, Santa Ana, and Pasadena, for example, recorded index crime increased between 2000 and 2002. After 2002, index crime fell in all of our comparison cities with the exception of Pasadena, but in none of these cities did the magnitude of the reduction in crime match that of Los Angeles.<sup>7</sup> Moreover, in Santa Ana, where total index crime fell 15 percent, nearly all of the reduction was in property crime. Violent index crime actually increased in Santa Ana, Anaheim, and Pasadena in this period, whereas it fell 48 percent in the city of Los Angeles.

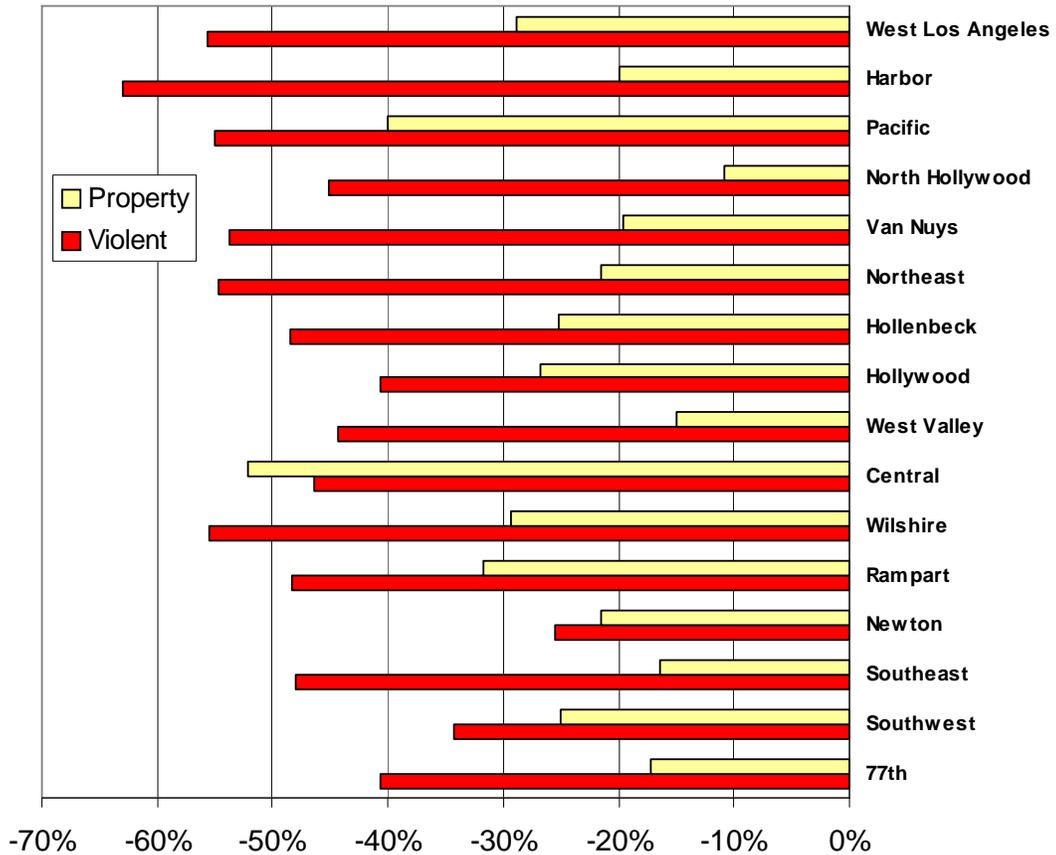
<sup>7</sup> Throughout the state of California, total index crime increased 9.3% between 2000 and 2002. Between 2003 and 2007, violent index crime fell 7.1%, and property index crime decreased 8.8%.

Figure 2. Change in Recorded Index Crime, Five Cities in Los Angeles Area, 2002-2007



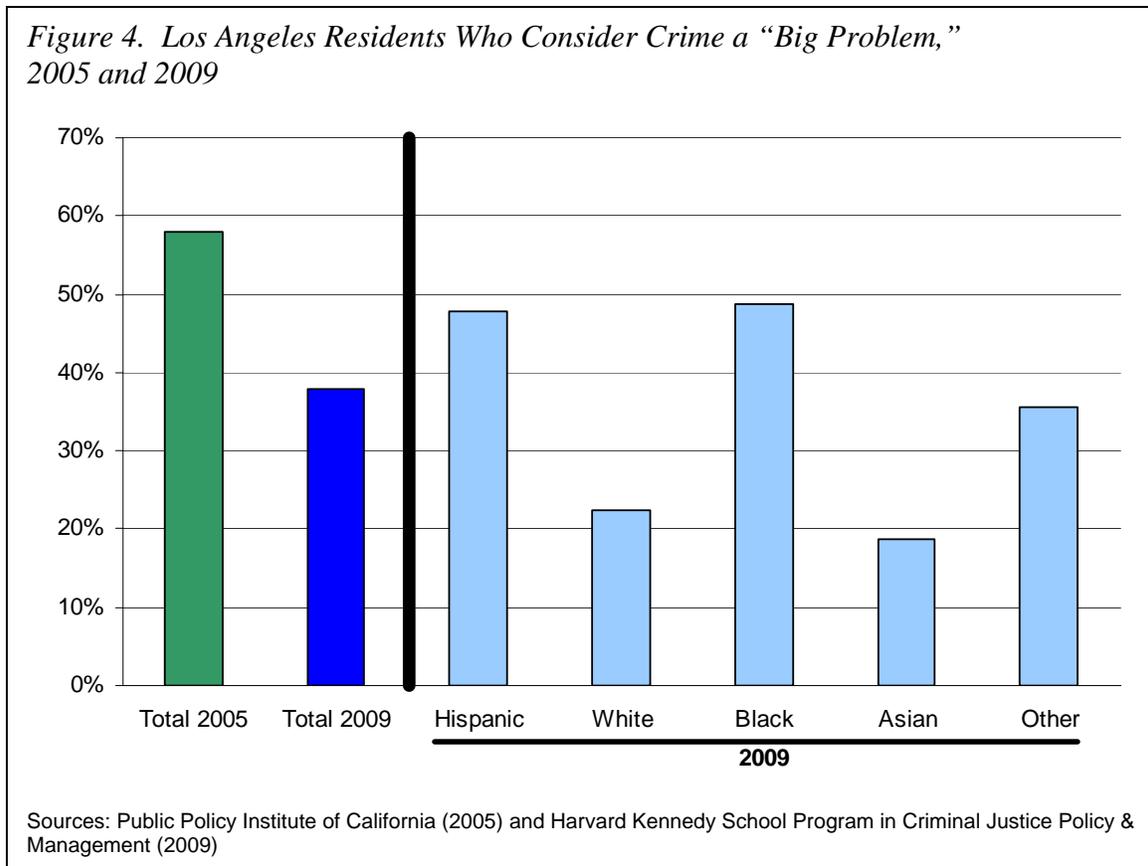
Recorded crime did not fall equally in all parts of the city of Los Angeles, though it did fall everywhere. In Harbor Division, recorded serious violent crime fell by more than 60 percent between 2000 and 2008, while in Newton it declined 25 percent. In all of the other divisions for which it is possible to measure change over time, there was at least a one-third decrease in recorded serious violent crime. In Central Division, the extent of the decline in property crime was greater than the decrease in recorded serious violent crime, but in every other division, the converse was true. The apparent decrease in violent crime is in some part the result of the change in the way that the LAPD classifies certain assaults described earlier.

*Figure 3. Change in Recorded Index Crime in Los Angeles, 2000-2008, by Police Division*



Source: LAPD Note: The apparent decline in violent index crime over this period is partly the result of a change in the way that the LAPD classifies certain assaults, in order to comply more strictly with guidelines for participation in the national Uniform Crime Reporting system. An unknown proportion of assaults that, before 2004, would have been classified as “aggravated” and therefore included as “Part One” or “index” crimes, have, since 2005, been classified as “Part Two” crimes. These assaults would be included in the 2000 baseline, but not in the 2008 comparison number.

Before we leave the issue of crime, it is important to recognize that Los Angeles residents have noticed the change in crime. Even over the last few years, crime as a problem among residents of Los Angeles has been receding. For example, when researchers asked residents in 2005 about crime, 58 percent described it as “a big problem.” In 2009, that had fallen to 38 percent. Indeed, fewer than half of LA residents in each racial and ethnic group today think of crime as a big problem, as shown in Figure 4.



**Leadership**

This research was originally requested by LA Police Chief William Bratton, who wanted an independent assessment of how the LAPD had changed. He did not want us to focus on his leadership, and we did not do so. Well before we began this research, Chief Bratton was firmly established as one of the world’s best known and most admired police leaders. Yet two features of the Los Angeles story seem to require that we highlight his role. First, Chief Bratton figures prominently in many if not most accounts of what has changed in the Los Angeles Police Department. In his public and private statements, he makes clear that he works for the Police Commission and he gives credit for any successes to the team he has assembled and the Department he leads. Still, his vision, his experience in other departments, and his confidence that the City and Department can meet the requirements of the consent decree are widely reported as factors driving the success of the LAPD. Second, his concern with professionalism, transparency, performance management in policing, and race relations in the United States are at least as important as the requirements of the consent decree in understanding what motivates the LAPD in its senior ranks. Before becoming chief, Bratton was a consultant to the monitor overseeing the consent decree in Los Angeles, a sign that his commitment to the consent decree process predates his leadership of the Department. Although this research does not separately examine Chief Bratton’s leadership, it is an essential element of every part of this story.

## **This Research**

Against this backdrop, our research sought to understand how the LAPD has changed over the years of the consent decree. We specifically sought to understand changes in the Department itself, changes in its activity and performance, and changes in its relations with the communities it polices.

Conducting such research at the end of the period under study presents a range of methodological difficulties. Most challenging, we had no systematic baseline data of our own from which to measure changes. With the full cooperation of the LAPD, however, and with financial support from the Los Angeles Police Foundation, we were able to overcome that challenge by using a complex, multi-method design.

First, the research team conducted hundreds of hours of participant observation, riding along with patrol officers and sergeants, accompanying lieutenants and captains on their supervisory rounds, and joining meetings of the command staff on several occasions. We sat with the TEAMS II Development Bureau as its members worked through the data and reports, we observed CompStat meetings at the Bureau level and the Crime Control Meetings held at individual police divisions,<sup>8</sup> and we attended meetings of the Police Commission and community meetings at which LAPD officers spoke.

Second, we conducted our own analyses of administrative data provided to us by the LAPD. Specifically, we conducted analyses on personnel data, arrest data, stops data, and civilian complaint data all covering the period 2000 to 2008. In addition, we analyzed crime data from 1992 to 2008, and data on the use of force from 2004 to 2008. Where, in tables and charts in this report, we identify the source as the LAPD, we mean the underlying data came from the Department, but the analyses and presentations are our own.

We did not conduct any surveys ourselves prior to 2009, but we did compile all of the previous surveys that we could find, including surveys of Los Angeles police officers conducted by Wellford Wilms in 1997, 1998, and 1999; a survey of Los Angeles police officers commissioned by a consultant to Chief Bratton in 2003; a series of surveys of Los Angeles residents conducted by the Public Policy Institute of California from 1998 to 2005; and a set of surveys conducted by the Leavey Center for the Study of Los Angeles from 1999 to 2007.

We then conducted three surveys of our own in 2009, repeating questions from the earlier surveys in order to draw comparisons. We commissioned a telephone survey, both to land-lines and to cell phones, in both Spanish and English, of a random sample of LA residents. The telephone survey generated 1,503 completed interviews, which we then weighted by age, race, ethnicity, and gender to produce a representative data set. We also commissioned a secure, internet-based survey of sworn officers within the LAPD. This survey produced 1,636 responses, which we weighted in order to produce a data set

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<sup>8</sup> The divisional level meetings are often also referred to by police officers as “CompStat” meetings, although they have a different format and narrower focus.

representative of the LAPD in terms of years of service in the Department. Finally, our team personally conducted a face-to-face survey of detainees recently arrested by the LAPD, asking many of the same questions that we asked in our telephone survey of Los Angeles residents about police-community relations.

Finally, we conducted a series of formal focus groups and structured interviews with police officers, police managers, members and staff of the Police Commission, the Inspector General and his staff, the District Attorney, community leaders, community residents, and youth in heavily policed neighborhoods.

Although many questions inevitably remain, this may be one of the most complete assessments ever conducted of a United States police organization outside of a time of crisis.<sup>9</sup> This was possible only because of the goodwill of citizens with whom we spoke in many settings, and the complete cooperation and active assistance of officers and civilian staff throughout the Los Angeles Police Department.

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<sup>9</sup> This research does not approach the depth or subtlety of the empirical examination of the Chicago Police Department that Wesley Skogan and his colleagues have carried out over more than a decade. See: Wesley G. Skogan and Susan M. Hartnett, *Community Policing: Chicago Style*, Oxford University Press, 1999. We were inspired and guided by research similar to ours conducted before and after the termination of the consent decree concerning the Pittsburgh Bureau of Police. See: Robert C. Davis, Christopher W. Ortiz, Nicole J. Henderson, Joel Miller, and Michelle K. Massie, *Turning Necessity Into Virtue: Pittsburgh's Experience with a Federal Consent Decree*, Vera Institute of Justice, September 2002,

## **2. Change Inside the LAPD**

Police organizations do not change easily. As in any high-stakes activity, stability and routines protect against risks, and the risks in policing can be deadly: both for police officers and for ordinary citizens. It is a good thing that changing a police organization is difficult.

Yet change in police organizations is also necessary. Like any modern enterprise, police agencies operate in complex, dynamic environments, requiring their leaders continuously to monitor not only their own organization's performance, but changes in the contexts within which they work. As new technologies become available, as migration reshapes the communities they police, and as public expectations grow, police leaders must find ways to promote change in their departments while managing the risks of innovation.

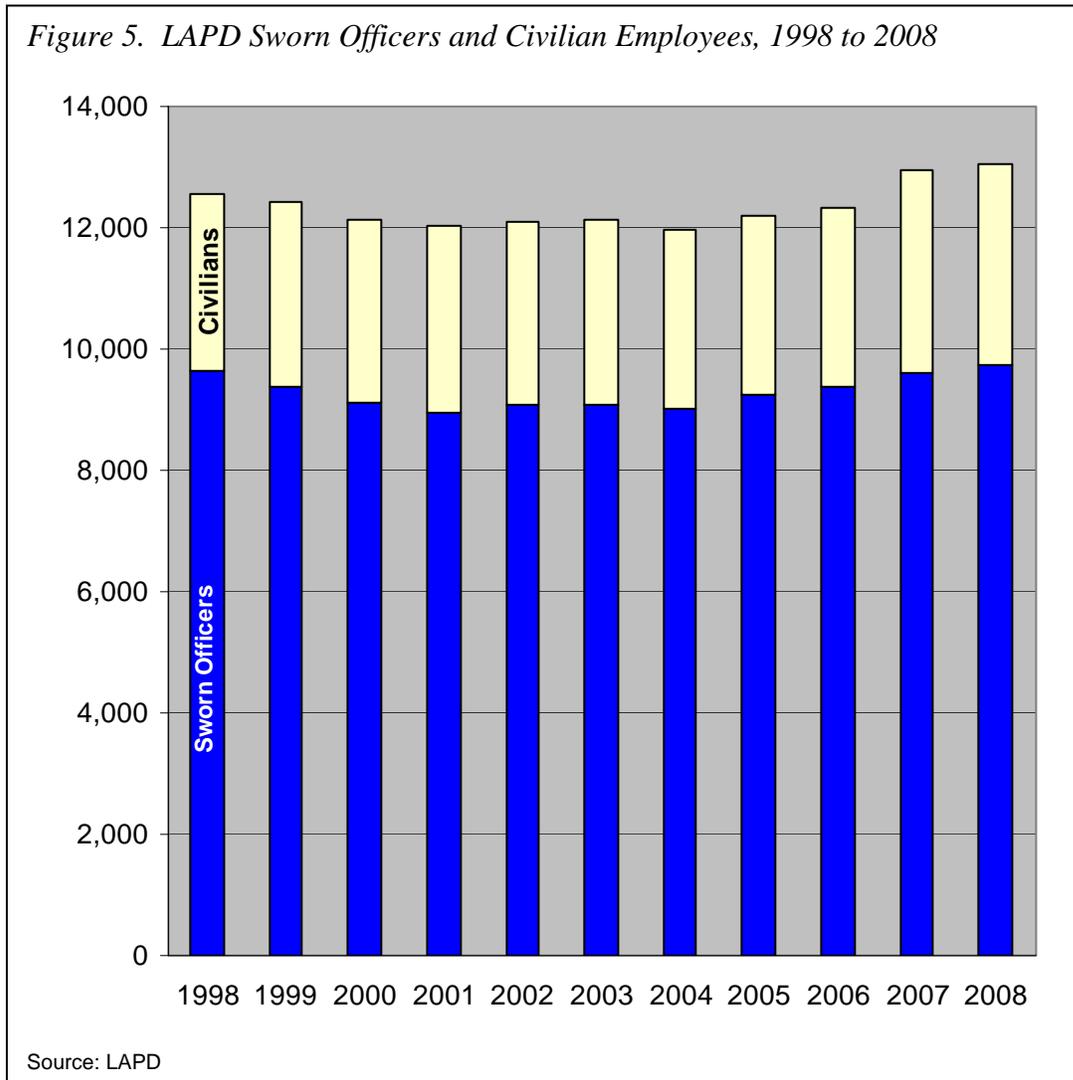
We looked for signs of change throughout the Los Angeles Police Department: from the composition of the Department itself to its front-line enforcement actions, its supervision, and its management. The fact of change inside the LAPD is widely acknowledged: everyone with whom we spoke described a panoply of changes, and every data set we analyzed showed a department performing differently than it was three, five, or ten years ago. Yet there is little agreement on the precise nature of the changes or their implications. For example, consider the mundane observation, ubiquitous among police officers of every rank, that the consent decree has burdened the police with increased paperwork and record keeping. In a focus group of front-line officers, one voiced the general consensus that "a report that took an hour before the consent decree, takes five now." In a focus group of front-line supervisors the paperwork burden was described as "a monster" to a room of nodding heads. Yet in a third focus group of front-line officers, we found apparent unanimity that performance reviews were "much improved." As these officers explained, better record keeping and the tracking of individual officers and detectives made their evaluations more accurate and meaningful. Despite their other complaints about the consent decree, this group agreed that improved evaluations were one of its good results. Increased paperwork, it seems, brings advantages as well as burdens, and the same is true for most of the changes we documented.

In the sections that follow, we describe the changes we found inside the LAPD, drawing on interviews and focus groups, analysis of administrative data, and hours of participant observation. On some topics, we were able merely to trace the differences in perspective, surfacing the competing hopes and concerns that some changes have provoked. On other topics, despite differing opinions within the Department, we were able to draw factual conclusions with a high degree of confidence, such as in our investigation of so-called "de-policing." We turn first, however, to the most basic of changes: the women and men who form the ranks of the LAPD.

### **The People of the Department**

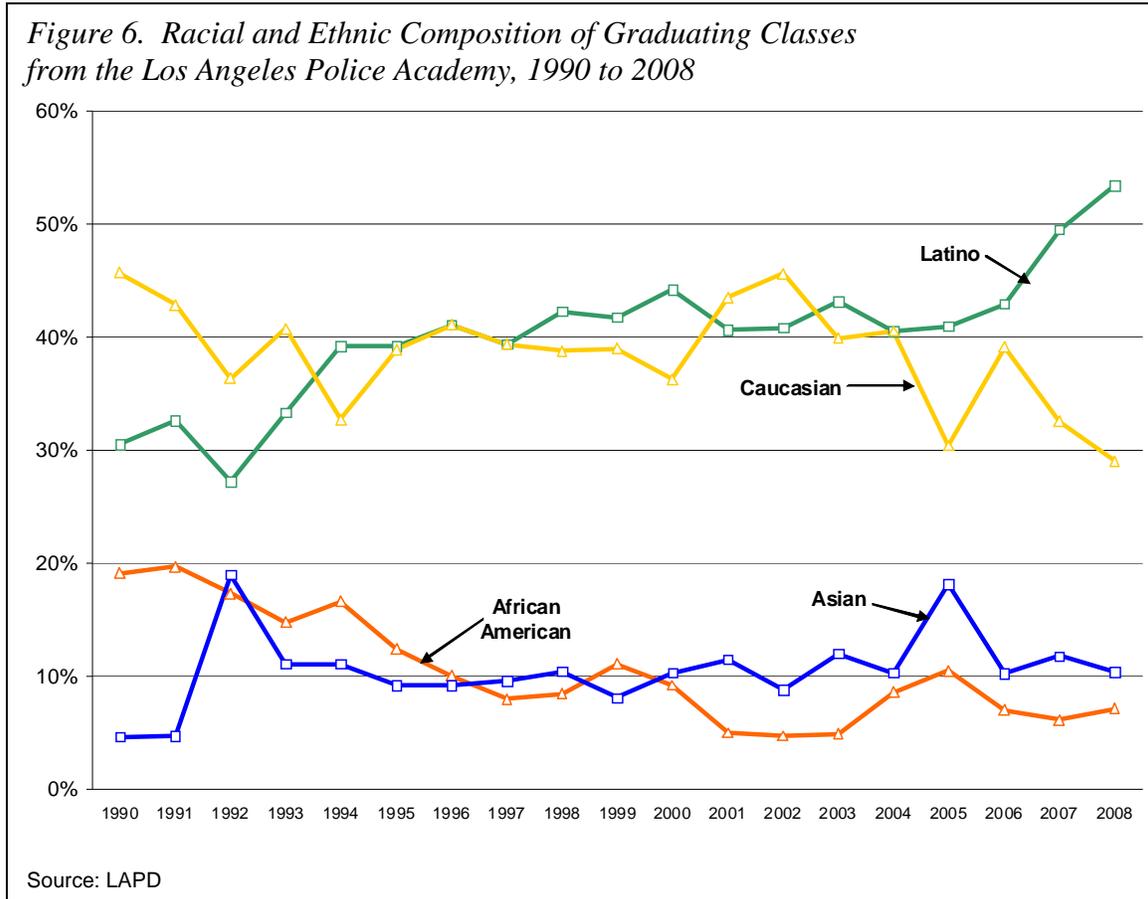
Because of a substantial reduction in size in the late 1990s, the recent growth of the LAPD has produced an organization only slightly larger today than it was a decade ago, but composed of quite different people. In June 1998, the Department employed 9,637

sworn officers. A decade later, in December 2008, it employed 9,830: an increase of two percent. Across this same period, the population of the City of Los Angeles grew about 10 percent, to slightly more than 4 million residents. The LAPD did increase its civilian employment during these years by 13 percent, and this kind of hiring can relieve sworn officers from desk assignments, producing an increase in the number of officers engaged in policing with the public, but as Figure 5 depicts, almost all of the increase in civilians occurred in a single year, 2007.



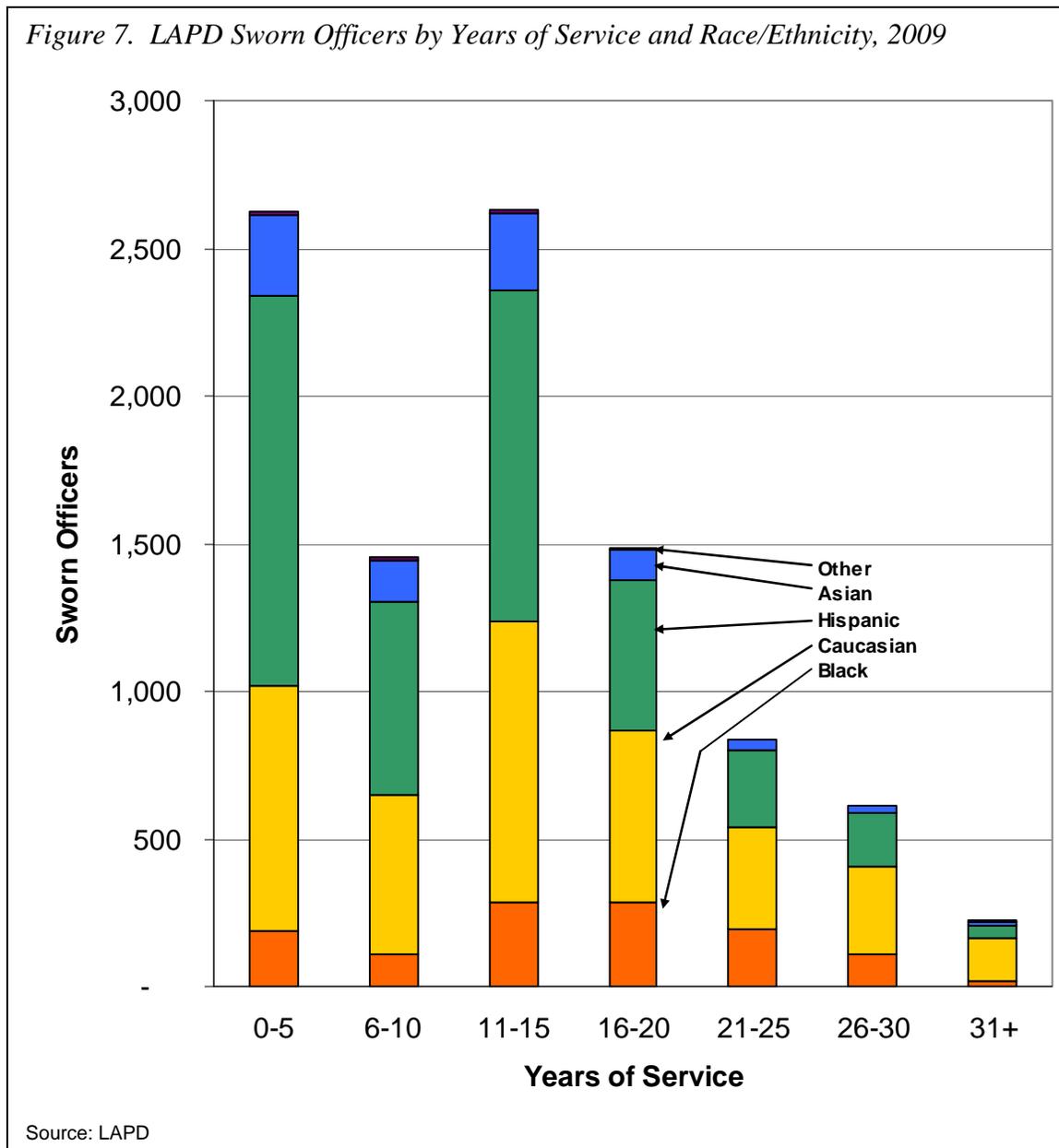
The gradual changes in the number of sworn officers—three years of contraction, a pause, and then four years of expansion—are not the product merely of a single policy in flux, but reflect simultaneous changes in three factors: the numbers leaving the Department, the numbers recruited, and the graduation rate of those who enter the police academy. From 1998 to 2001, all three factors were driving down the ranks: there was a rash of retirements, the Department attracted fewer recruits, and graduation rates at the academy fell from 85 to 75 percent. All three factors were reversed after 2004, with

larger recruitment classes, higher graduation rates, and lower rates of attrition combining to fuel growth.



This ebb and flow of personnel brought significant changes to the racial and ethnic composition of the Department. In 1990, just over 30 percent of the graduates from the Academy were Latino, 19 percent African American, 5 percent Asian or Filipino, and fully 45 percent Caucasian. Almost two decades later in 2008, 53 percent of graduates were Latino, 7 percent African American, 11 percent Asian/Filipino, and 29 percent Caucasian. As Figure 6 shows, the changes in racial composition of academy graduates occurred at two discrete moments: first in the early 1990s, when the percentage of Latinos among graduates rose, and the percentage of African-Americans and Caucasians declined; and then since 2006, when the percentage of Latinos surged and the percentage of Caucasians fell, while African-American percentages remained relatively stable.<sup>10</sup>

<sup>10</sup> Much of the change in the composition of recruits is the result of two consent decrees entered into by the Department. The Blake Consent Decree, signed in 1981, required the LAPD to recruit more female and minority police officers and remove impediments to their promotion. The Hunter La Ley Consent Decree, signed in 1992, obliged the Department to ensure fair practices in the training and promotion of minority sworn officers to management ranks. For both of these decrees, the Department set annual and long-range goals for the recruitment, training, and promotion of females and minorities. Reports on these targets are routinely delivered to the Police Commission and posted on the website of the LAPD, [www.lapd.online.org](http://www.lapd.online.org)



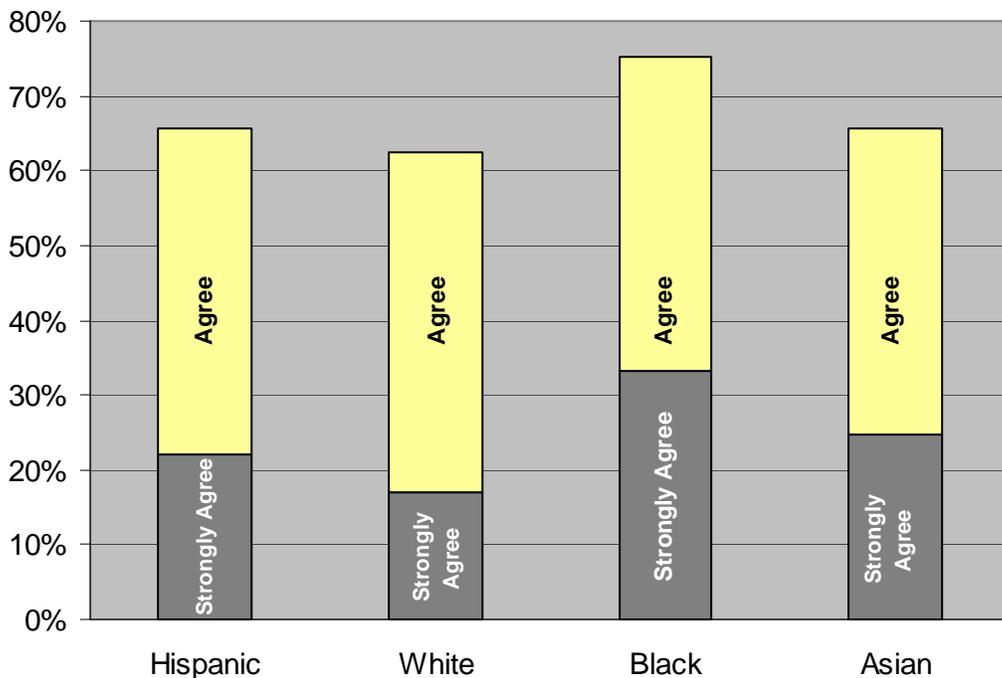
Attrition rates today are low, averaging 5 percent in recent years, so the new recruitment and graduation rates have had a substantial effect on the racial and ethnic composition of the Department. In 2008, Latinos comprised 42 percent of all sworn officers, up from 33 percent in 1999. The proportion of Caucasian officers has correspondingly declined—from 47 percent to 37 percent.<sup>11</sup> The proportion of Black officers has declined only slightly, from 14 to 12 percent, but the distribution of Black officers has shifted toward

<sup>11</sup> The scale of the increase in the representation of Hispanics in the LAPD exceeds the growth in their estimated share of the LA county population as a whole. Between 2000 and 2010, Latinos grew from 44.6 to 48.3 percent of the county population (+3.5%).

longer years of service, so while African-Americans comprise only 8 percent of all officers with fewer than 10 years experience, they account for 22 percent of officers with more than 10 years of service, and more than 20 percent of the LAPD’s captains.

Although African-Americans constitute a declining proportion of new officers in the LAPD, these same officers are the most likely to believe that the LAPD has been improving as an organization in recent years. In our 2009 survey of sworn officers across the LAPD, African-American officers were far more likely than any other group to “strongly agree” that “the LAPD today is a better organization than it was three years ago.”

*Figure 8. LAPD Sworn Officers who agree that “the LAPD today is a better organization than it was three years ago” by Race/Ethnicity, 2009*

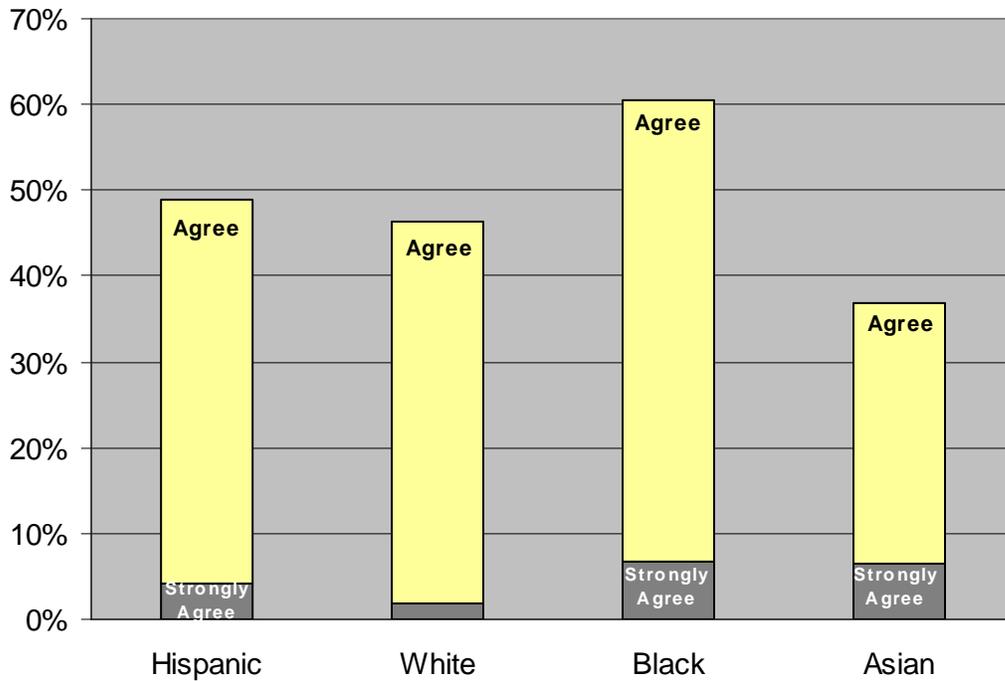


Source: Harvard Kennedy School Program in Criminal Justice Policy & Management

Alongside this largely encouraging portrait of the officers of the LAPD, we heard many police officers complain that recruitment standards in the LAPD are falling, and several of those who spoke this way seemed to be referring in particular to recruits from ethnic and racial minority groups. One officer in a focus group said: “The new officers are not much better than thugs. We’ve lowered our standards. Now we’re hiring gang members.” A supervisor in a different focus group told us: “We get people who are hired that get to our Division who don’t even speak English, and I’m talking about basic everyday English—cannot speak the language.” In yet another focus group, the officers present seemed to agree with their colleague who explained simply: “The hiring process is all politics.” To senior officers of the LAPD who work hard to recruit and train the very best

police officers, these complaints seem outrageous; but we report them here because the fact that they could be stated in focus groups without refutation suggests that rifts remain within the culture of the Department.

*Figure 9. LAPD Sworn Officers who agree that “the Department today hires qualified people” by Race/Ethnicity, 2009*



Source: Harvard Kennedy School Program in Criminal Justice Policy & Management

The best news in this regard is that the cynicism about new hiring is declining. Attitudes that denigrate the newest recruits have been commonplace among LAPD officers over the last decade. Indeed, one senior law enforcement official told us that the hiring wave in the mid-1990s was truly accompanied by lower standards that allowed the recruitment of gang members and others who then abused their positions. Yet it appears that satisfaction with the Department’s hiring is somewhat higher today than it was a decade ago. In a 1997 survey of LAPD sworn officers, only 35 percent agreed that “the department hires qualified people”<sup>12</sup> Today, that has risen to 46 percent, and African-American officers, who make up the smallest group among the newest recruits, are most likely to agree that the Department hires qualified people.

<sup>12</sup> The same question was asked of sworn officers in the LAPD in 1997, 1998, and 1999, with percentages agreeing of 35, 47, and 41 respectively, for an average of 40 percent over the three administrations of the survey.

### **Claims of “De-Policing”**

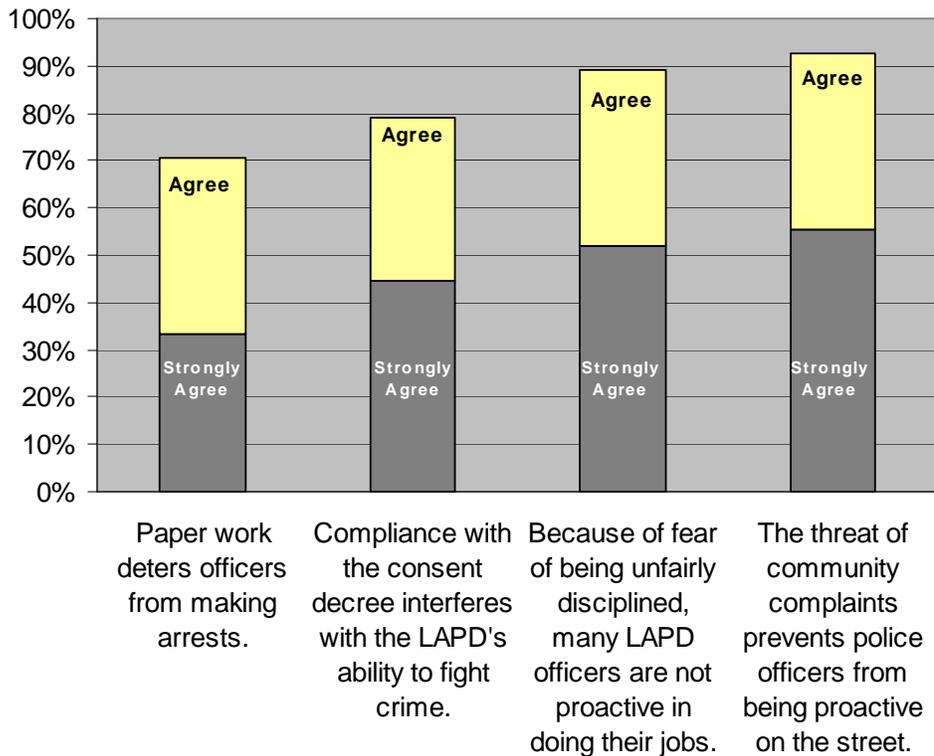
When police officers find themselves facing increased scrutiny for their use of force or their enforcement powers, claims are commonly heard that the scrutiny will lead to “de-policing.” Officers, it is claimed, will hesitate to intervene in difficult circumstances for fear that, despite their best intentions, their actions will be criticized and they may even be disciplined. In every instance where the U.S. Department of Justice has entered into a consent decree with a state or local government to address an alleged pattern and practice of police misconduct, concerns have been raised that the consent decree would lead to de-policing or what one law enforcement official describe to us as the “drive-and-wave syndrome.”

We heard such claims frequently during our interviews and focus groups with police officers, with many officers insisting that the consent decree remains an impediment to effective policing as well as a deterrent to the kind of work in communities they consider necessary to reduce crime. In focus groups, officers commonly said they sometimes avoid contact with citizens and “look the other way” when observing illegal behavior in order not to create additional work for themselves or provoke the intervention of a sergeant or watch commander. They also said they are “timid” in encounters with suspects or handle them with “kid gloves” in order to avoid generating a use-of-force report, inciting a complaint, or triggering an action item (or a “red-flag”) in the computer system that monitors officer performance. As one officer explained to us: “Now officers just back away because they don’t want to get red-flagged.” We heard similar statements in private interviews, where one officer told us: “You’re afraid to deal with people on the street because of false complaints they file.”

Observers of the LAPD over these years describe the effect of the decree on the officer morale in similar terms. As one law enforcement official told us, “the decree hurt their pride, hurt their morale, hurt their productivity.” Although this official said that the decree “provoked a bit of self-awareness,” he claimed its overall effect was to undermine the pride that officers had historically taken in their department.

A survey conducted for the Department in 2003 suggested widespread belief in de-policing among LAPD officers. Seventy percent of officers agreed with the statement “paper work deters officers from making arrests,” and 79 percent believed that the consent decree impeded the ability of the LAPD to reduce crime. As the chart below shows, a larger share (89%) agreed with the statement that “because of fear of being unfairly disciplined, many LAPD officers are not proactive in doing their jobs.” A higher percentage still (93%) agreed with the statement that “the threat of community complaints prevents police officers from being proactive on the street.”

Figure 10. Agreement among LAPD Officers with Selected Statements, 2003

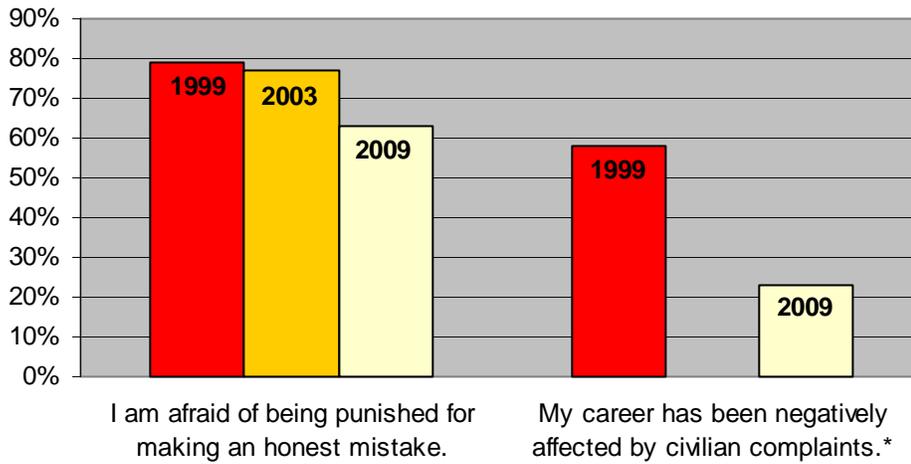


Source: LAPD

These opinions may have less to do with the consent decree in particular than might at first appear. LAPD officers reported similar concerns about the Department’s accountability systems even before the consent decree. A survey conducted in 1999, for example, found that only 15 percent of officers thought the disciplinary system was administered fairly, and that 79 percent of officers were afraid of being punished for making “an honest mistake.” The survey also found that 58 percent of officers said their career had been negatively affected by the new complaint system, and that 90 percent thought that it *could* be negatively affected.<sup>13</sup> Indeed, distrust of the Department’s accountability systems seems to have diminished during the period of the consent decree, not increased, as the chart below illustrates.

<sup>13</sup> See Wellford Wilms, October 2000 report.

Figure 11. Agreement among LAPD Officers with Selected Statements, 1999, 2003, and 2009

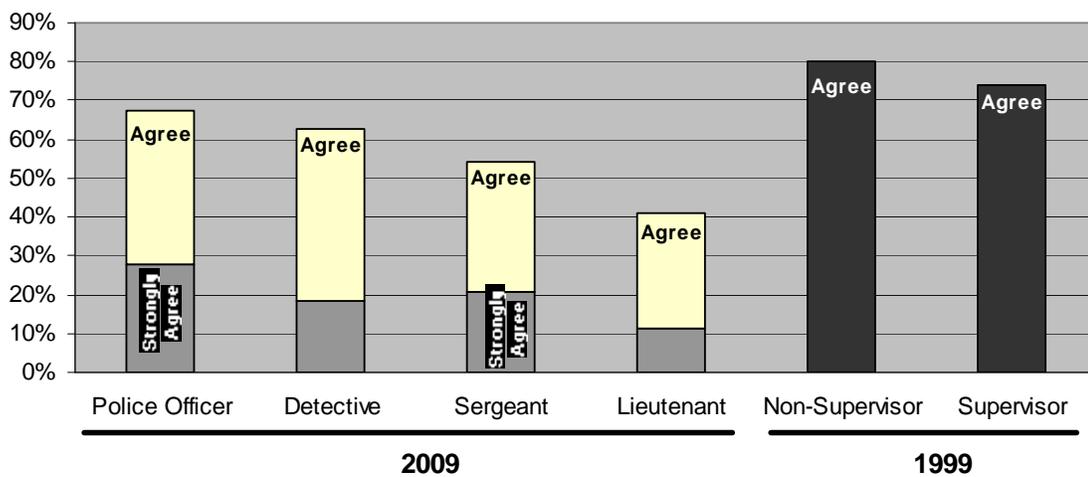


\* statement not included in 2003 survey

Sources: Harvard Kennedy School Program in Criminal Justice Policy & Management (2009); John Linder/LAPD (2003); Wellford Wilms (1999)

The fear of being punished for making an honest mistake today is diminished, but still strong. More than 60 percent of sworn officers in 2009 said they fear being punished for making an honest mistake, and the level of such fear is greater among non-supervisory police officers than for those at higher ranks. The fear of punishment for honest mistakes, for example, declines markedly as rank increases. Even among lieutenants, however, such a fear remains among more than 40 percent today, as is shown in Figure 12, below.

Figure 12. LAPD Sworn Officers who agree that “I am afraid I will be punished for making an honest mistake,” by Rank, 1999 and 2009

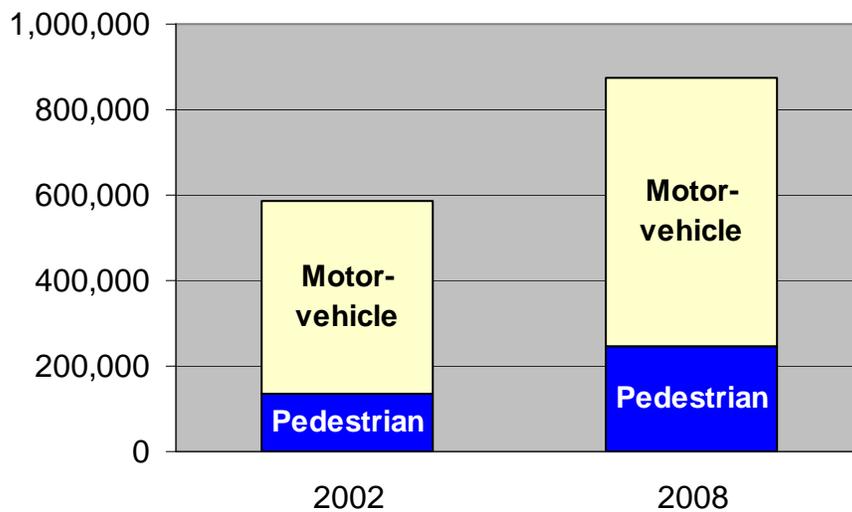


Sources: Harvard Kennedy School Program in Criminal Justice Policy & Management (2009); Wellford Wilms (1999)

The fear of departmental discipline is not necessarily based in facts. As we discuss later in this report, the numbers of officers named in any complaint of misconduct has declined substantially over recent years, and the fraction that has been disciplined has not risen. Nevertheless, we must ask if the fear of punishment—whether or not connected to the consent decree—is holding the LAPD back from enforcing the law? The answer appears to be an emphatic *no*. When we turn to the actual use of police powers, we see that the LAPD has been increasing both the quantity and the quality of its enforcement activity. De-policing, in short, does not appear to be a problem in Los Angeles under the consent decree.

Consider, for example, the use of pedestrian and motor vehicle “stops.” A stop occurs when a police officer temporarily detains an individual whom the officer reasonably suspects to have committed a crime or to be on the verge of doing so. The decision to make such a stop is highly discretionary, and it is one reason why the Department began in 2001 to consistently collect and record data about who it stops, as well as when, where, and with what consequences such stops take place.<sup>14</sup>

Figure 13. LAPD Pedestrian and Motor-Vehicle Stops, 2002 and 2008



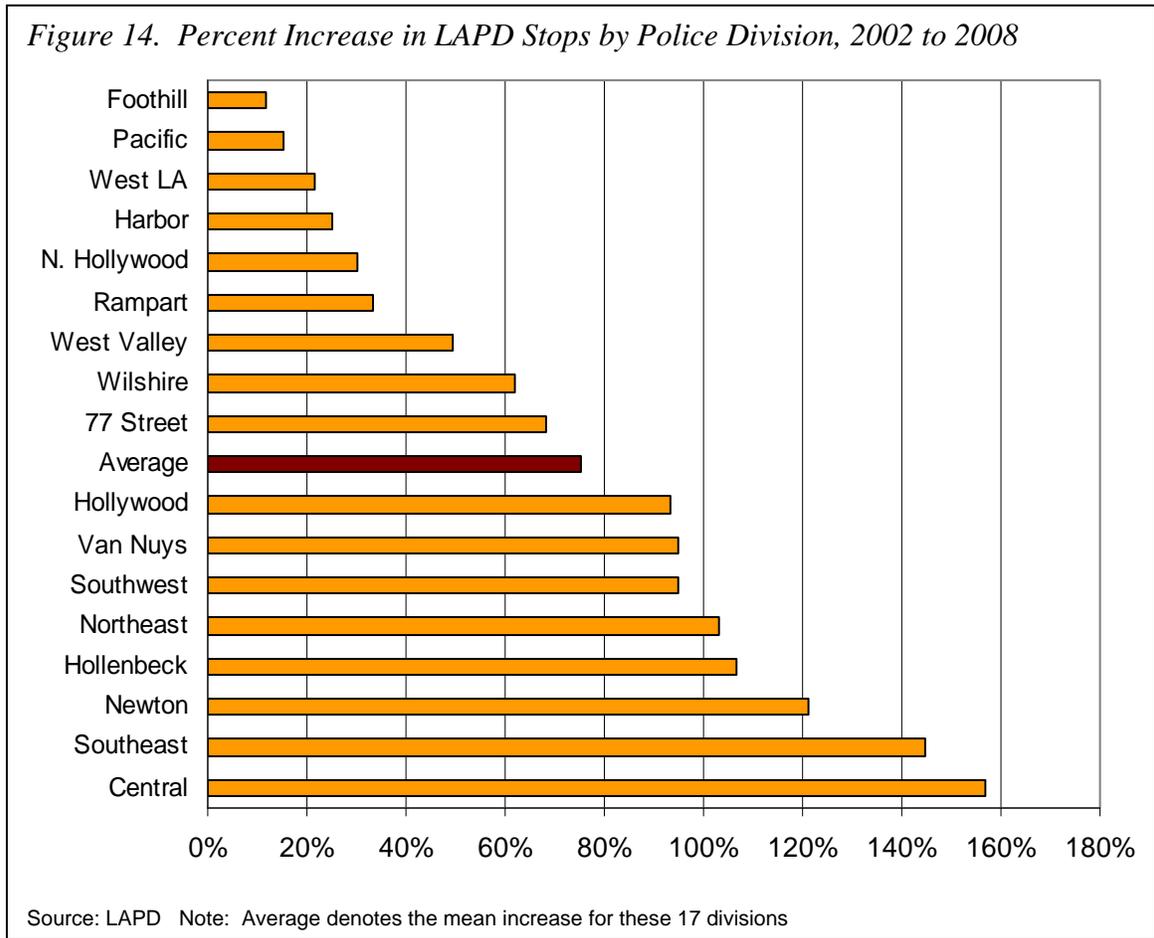
Source: LAPD

In 2002, the first year for which we have reliable figures, police officers in Los Angeles recorded 587,200 stops. In 2008, there were 875,204 stops—49 percent more. The number of officers available to make stops also grew in this period, so the number of stops per sworn officer increased slightly less – by 39 percent, from 64 to 89. As Figure

<sup>14</sup> At least two major analyses of stop activities have been published on the basis of LAPD data. Both studies mined the data on stops to assess whether or not law enforcement practices constitute “racial profiling,” a subject we take up in Section Three. Neither of these studies used the data on stops to understand change over time in the character of policing and the outcomes of officer-resident encounters, which is our focus here. See *Pedestrian and Motor-Vehicle Post Stop Analysis Report*, Analysis Group, Inc, July 2006, and Ian Ayres, *A Study of Racially Disparate Outcomes in the Los Angeles Police Department*, October 2008.

13 shows, the total number of pedestrian stops nearly doubled over this six year period, and the number of motor-vehicle stops increased nearly 40 percent.

The number of stops increased in every police division, but the scale of the increase varied considerably across divisions.<sup>15</sup> The number of stops more than doubled in Central, Hollenbeck, Newton, Northeast and Southeast, but hardly increased at all in Foothill, Pacific, and West LA. In Rampart and Harbor, too, the increase was well below the city average. Overall, as the chart below shows, the greatest increase in stops between took place in Central Division, followed by Southeast, Newton, and then Hollenbeck.



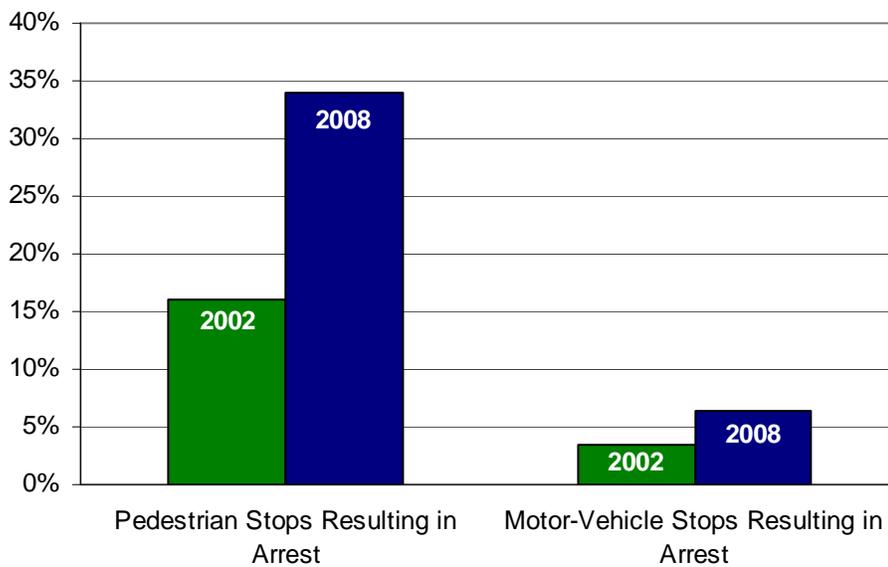
Overall, there was little change in the racial and ethnic distribution of individuals stopped, despite the great increase in volume. Blacks comprised 22 percent of all individuals stopped in 2002, and 23 percent of all individuals stopped in 2008. Whites were 18 percent of all individuals stopped in 2002, and 15 percent in 2008. Hispanics comprised 43 percent of all persons stopped in 2002 and 48 percent in 2008. As in other

<sup>15</sup> Nearly three-quarters of all stops are made by officers working in the area divisions. Specialized units, such as Metro Division, tend to make fewer stops. Accordingly, the rate of increase in the number of the stops in the divisions was considerably higher than the rate for the LAPD as a whole (77 vs. 49 percent).

cities, there are considerable differences in the racial composition of pedestrian and motor vehicles stops: Blacks made up 36 percent of all pedestrians stopped, but only 19 percent of all individuals stopped in motor vehicles.

There is no direct way to assess the quality of so many stops, but an indirect measure can be made by examining the results of the stops. When stops increase greatly without an increase in the number that lead to arrests, the pattern suggests that police suspicions are being aroused too easily and the decision to interfere with people’s liberty is being made too lightly, even if the stops are constitutionally justifiable in each individual instance. In contrast, when an increase in stops is accompanied by an increase in those that lead to an arrest, the pattern suggests that police officers stopped people for good reasons and were willing to have the District Attorney scrutinize those reasons. If, therefore, the large increase in stops from 2002 to 2008 were not accompanied by an equal increase in stops leading to arrest, we would be concerned about the quality of the stops being made.<sup>16</sup>

*Figure 15. Proportion of LAPD Pedestrian and Motor-Vehicle Stops Resulting in Arrest, 2002 and 2008.*



Source: LAPD

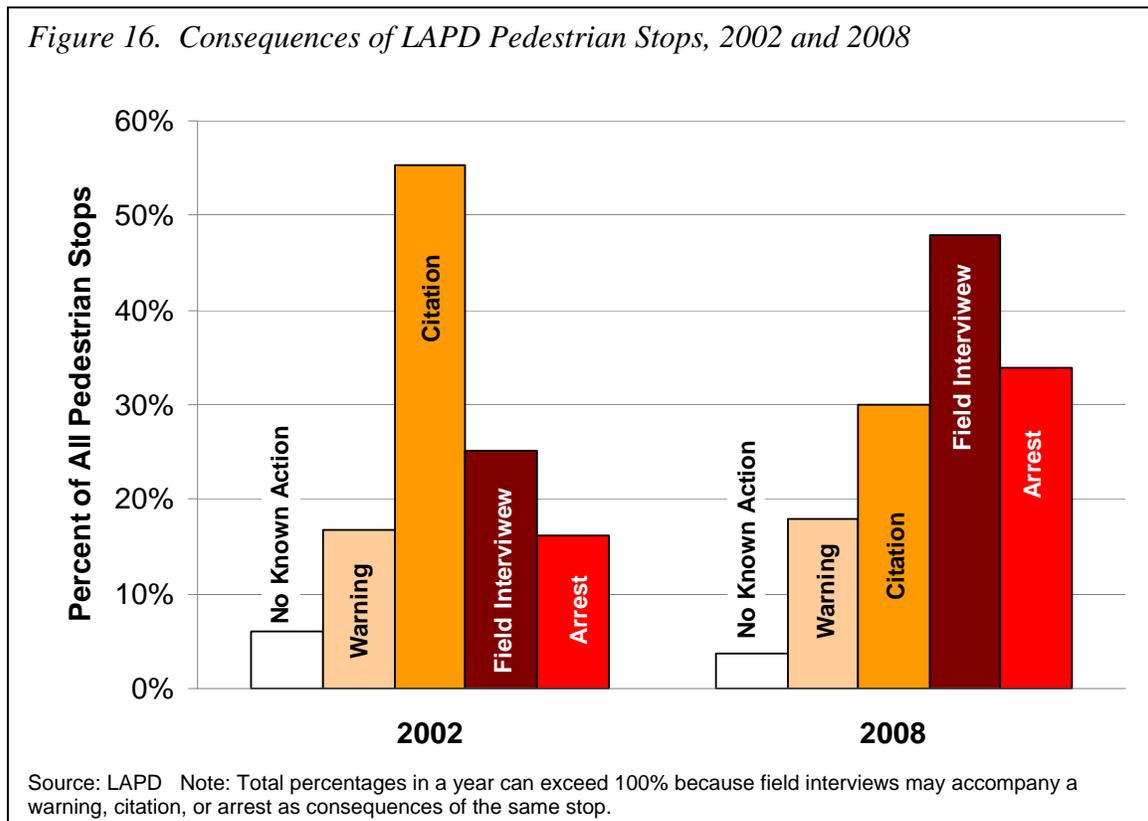
<sup>16</sup> In practice, the situation is more complex. First, stops can result in more than one consequence, as a field investigation report can accompany an arrest, a citation, or a warning, or it can be the sole consequence of a stop. The recorded consequences are not mutually exclusive. Arrests are the surest sign, however, that stops are yielding evidence of crime. Second, even stops that result in no consequence can have strategic value for the police. Indeed, there is a danger that police will become heavily reliant on stops to deter people from carrying weapons or otherwise engaging in criminal activity, without taking into account the intrusion on liberty and concomitant dangers that such a strategy raises for innocent people stopped. For all these reasons, it is important to monitor changes in stops in relation to changes in stops that yield evidence of criminality and lead to arrests.

In fact, arrests have not only kept pace with the increase in stops, but the stops resulting in arrest have grown as a proportion of all stops, even while the volume of stops has grown. The main difference in the outcomes of stops today, in contrast to the early years of the consent decree, is that they are much more likely to result in an arrest. As Figure 15 shows, between 2002 and 2008, the likelihood of arrest nearly doubled for both pedestrian and motor-vehicle stops. The change is particularly significant for pedestrian stops, where the percentage resulting in arrest rose from 16 to 34 percent.

The corollary of this change in police practices is that the proportion of all stops that generated a citation declined substantially. Residents stopped by police officers in Los Angeles today are less likely to be ticketed and more likely to be arrested than in the early years of the consent decree.

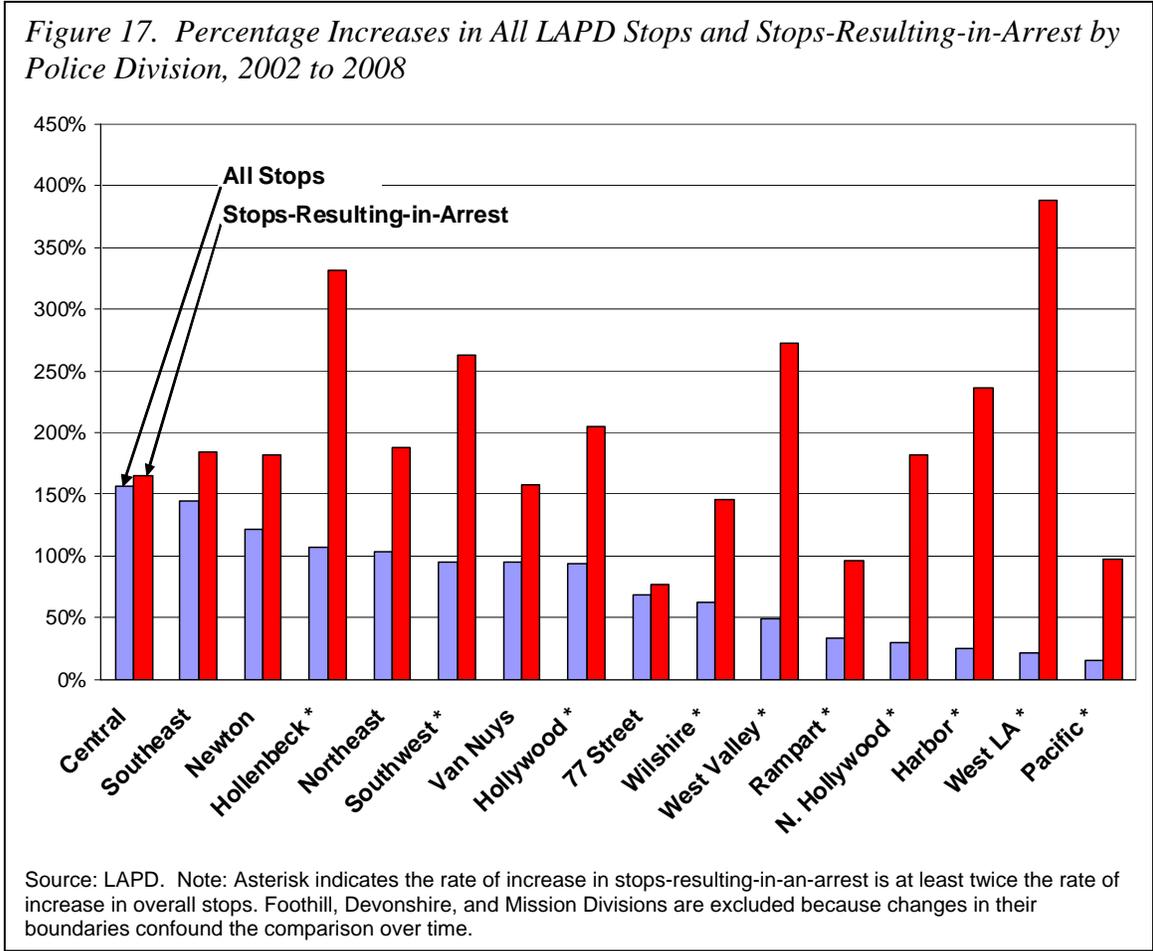
A pedestrian stop in 2008 was also less likely to produce a warning and much more likely to generate a field interview record than in 2002. As Figure 16 illustrates, the changing use of stops between 2002 and 2008 is complex, but in general police officers were more accountable for their stops in 2008, as arrests and field interviews trigger greater scrutiny from colleagues, supervisors, and the district attorney than do warnings and citations. In sum, not only does the growth of stops belie any assertion that Los Angeles has seen de-policing under the consent decree, the changing pattern of stops suggests an increase both in the quality of the stops and in officer accountability for them.

Figure 16. Consequences of LAPD Pedestrian Stops, 2002 and 2008



While this is very good news, the pattern varies from one police division to another. The volume of stops increased in every division, as did stops resulting in an arrest, suggesting that de-policing was not a reality in any division. Moreover, the number of stops-resulting-in-an-arrest increased at the same rate or higher as overall stops, suggesting that there was no decline in quality of stops or accountability for stops in any division. Still, the degree of quantity and quality improvement varied greatly from one division to another. Between 2002 and 2008, the likelihood that a stop would culminate in an arrest increased in West LA (from 7 to 27 percent) and Harbor Division (from 12 to 32 percent), suggesting an increase in the quality of stops in those locations. But the likelihood remained fairly constant in Central, 77<sup>th</sup>, and Southeast Divisions. Figure 17 compares the increase in stops and stops-resulting-in-an-arrest in sixteen divisions between 2002 and 2008 (we excluded Foothill, Devonshire, and Mission divisions because changes in their boundaries confound the comparison over time).

Figure 17. Percentage Increases in All LAPD Stops and Stops-Resulting-in-Arrest by Police Division, 2002 to 2008



A large increase in the volume of stops is impossible to interpret without an understanding of the particular crime problems facing that division, but a good initial indicator of quality improvement is that the rate of increase in stops-resulting-in-arrest is at least twice the increase in stops overall. The divisions achieving this benchmark are shown with an asterisk in Figure 17.

Only about half of all arrests begin with stops, so we separately analyzed the trends in total arrests made by the LAPD in the years since the consent decree took effect. Between 2000 and 2008, the total number of arrests made by the LAPD increased 18 percent, from 147,605 to 173,742, but the increase did not follow a straight line. In the first two years of the consent decree, arrests fell eight percent. The following year, the total number of arrests increased 12 percent, and then by another 9 percent in 2004. Since 2005, arrests have increased at an annual average of 1.9 percent.

There were important changes in the types of arrests made, too, and, as with recorded crime, these shifts are best understood in a longer time frame. In 1982, there were 185,976 arrests in the city as a whole, about a quarter of which (27 percent) were for Part One offenses, sometimes referred to as index crimes: non-negligent homicide, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.<sup>17</sup> The remaining three-quarters were for Part Two offenses, such as disorderly conduct, prostitution, driving under the influence of drugs or alcohol, and most other drug offenses. By 2007, in contrast, index crimes accounted for only 15 percent of all arrests.

The trends here are easier to see when arrests for Part One and Part Two offenses are shown on a single graph along different scales, as in Figure 18, allowing us to overlay the trend lines despite the much greater absolute number of Part Two arrests. The trend in Part One arrests follows the rise and then the decline in serious crime in Los Angeles, except that the numbers of Part One arrests did not slope upwards from 2000 to 2002 when Part One offenses briefly increased. Part Two arrests break sharply from this trend twice: first from 1995 to 1997, and then again from 2003 to 2007. These steep increases in Part Two arrests represent police management decisions to use arrest powers more aggressively for less serious crimes.

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<sup>17</sup> The UCR categories are described above at footnote 7.

Because it takes place during the consent decree period, the steep increase in Part Two arrests from 2002 to 2007 deserves a closer look. The number of Part Two arrests fell each year from 1998 to 2002, but then increased each year through 2007. In that year, the LAPD made 35,377 arrests for drug crimes and 108,608 arrests for other Part Two crimes, or an average of 97 drug arrests per day and 298 arrests per day for other minor crimes. As Figure 19 shows, the increase from 2002 to 2007 occurred in both drug arrests and other Part Two arrests, but most of the increase was in the “other” arrests. Over the same period, arrests for Part One crimes, both violent and property, were relatively steady, ending the period at 29 and 40 per day respectively.

Figure 18. LAPD Arrests by UCR Category, 1982 to 2007

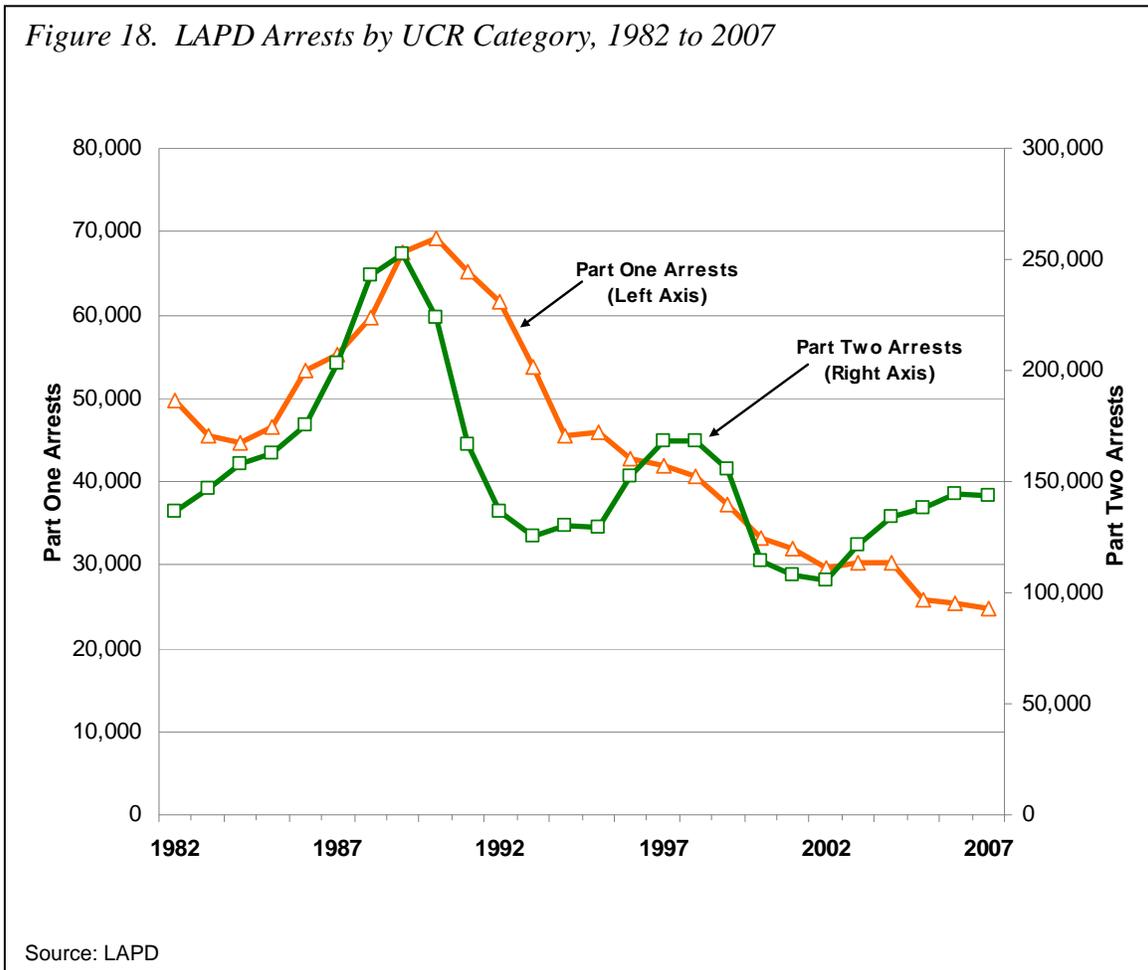
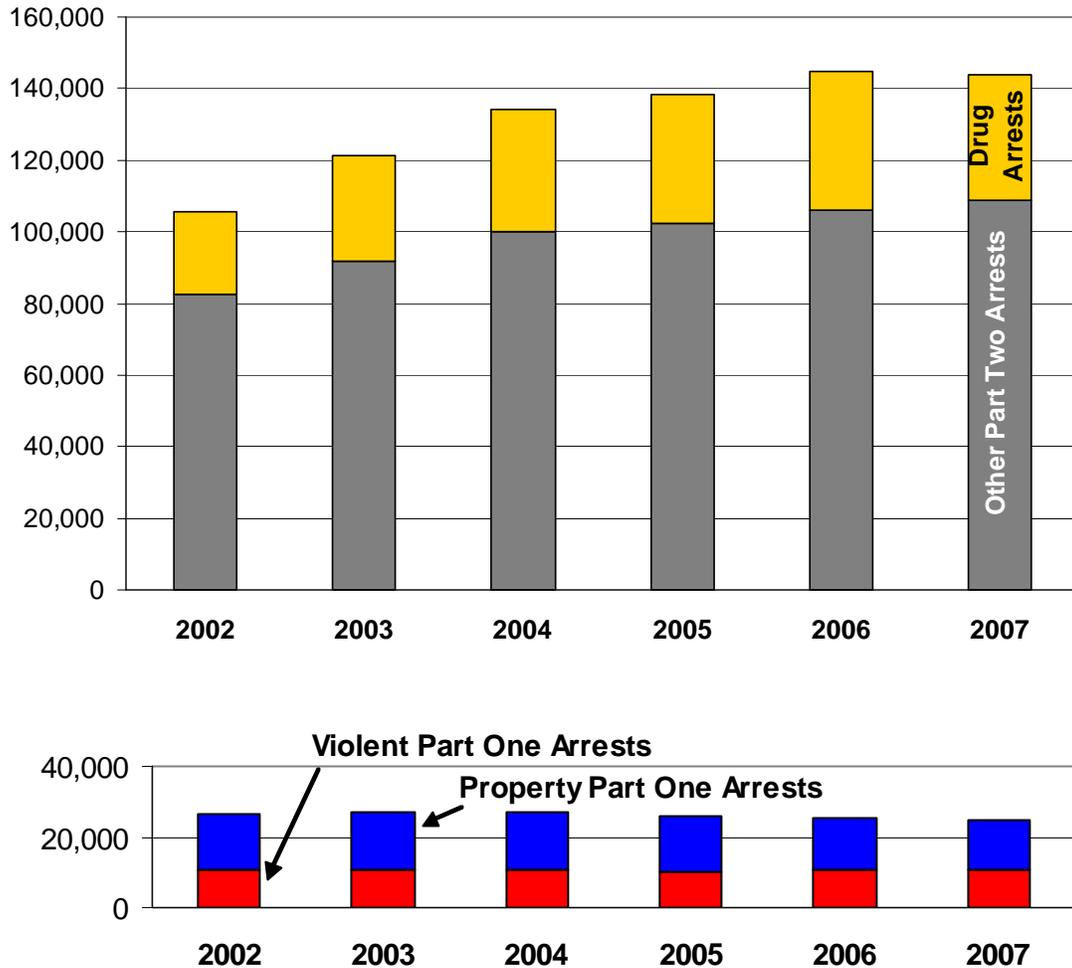
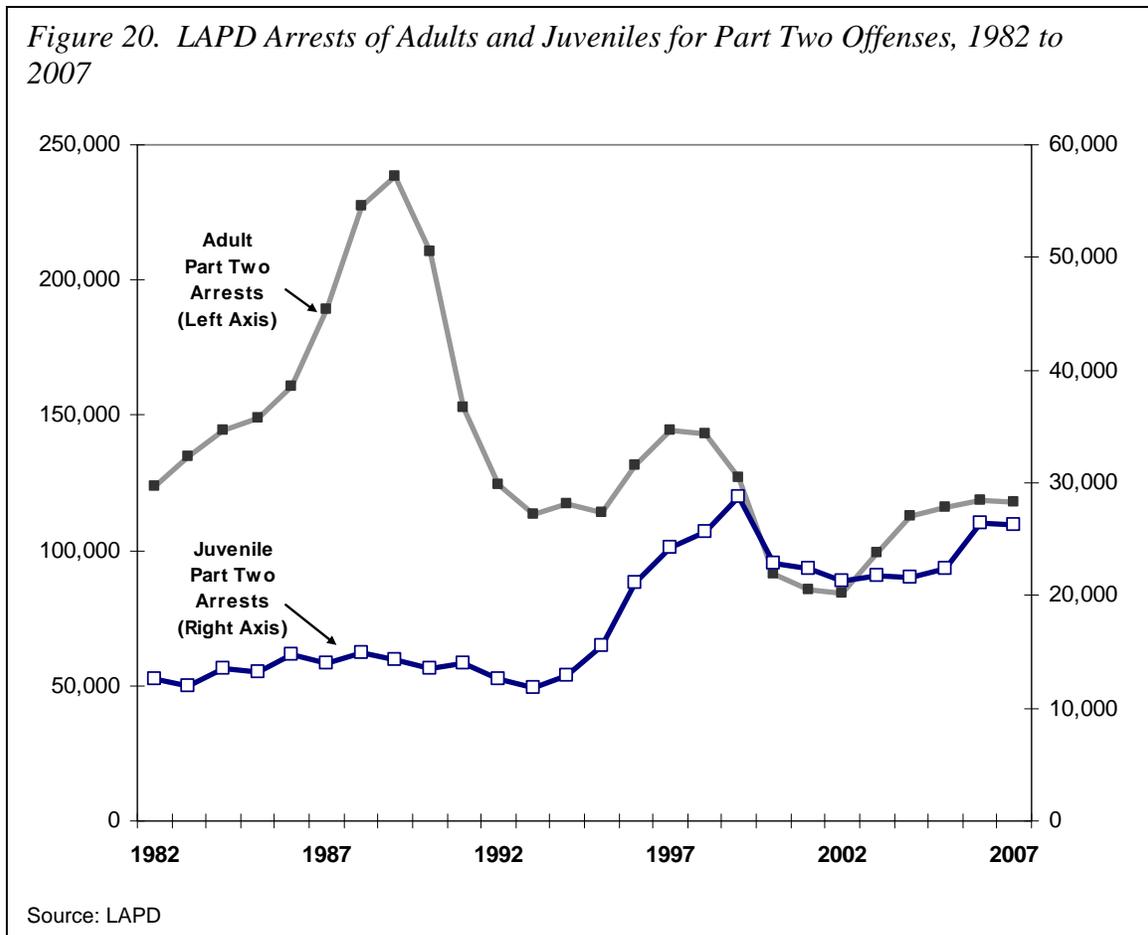


Figure 19. LAPD Arrests by Crime Type, 2002 to 2007



Source: LAPD

There have been significant changes in the profile of persons arrested for Part Two offenses over time, as well. As Figure 20 shows, the number of adults arrested for Part Two offenses in Los Angeles is about half today what it was in 1990, having generally followed the trend for Part Two arrests overall. The number of juveniles arrested for Part Two offenses, by contrast, is now about twice what it was in 1990, breaking from the adult pattern in the late 1990s. Juvenile Part Two arrests stayed relatively flat from 1982 to 1994, shot upwards from 1995 until 2000, and then generally followed the adult trend since the consent decree came into force.

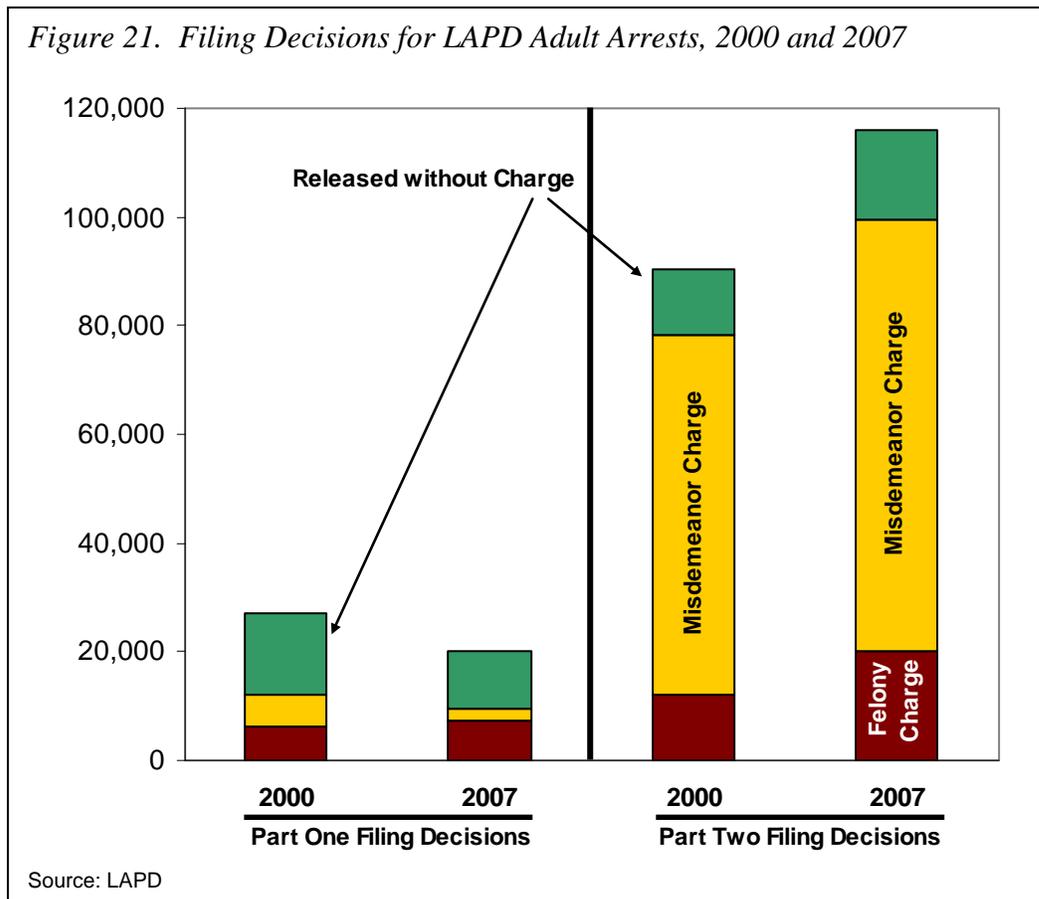


In sum, our analysis of the volume of arrests confirms what the first part of our analysis of stops revealed: the statistics refute any claim of de-policing in Los Angeles today as a result of the consent decree. Some de-policing may have occurred in the first two years of the consent decree, when recorded crime rose slightly while enforcement activity, both stops and arrests, declined; but there is no sign of de-policing since 2002. Indeed, enforcement activity has increased, with the increase in arrests concentrated on the minor crimes where management policy guides officer discretion.

Just as we examined the results of stops as an indirect measure of their quality, we examined the results of arrests as an indirect measure of their quality. Specifically, we examined the changes in the pattern of charges filed by the Los Angeles District Attorney following LAPD adult arrests. For both Part One and Part Two arrests, we found that the rate at which the D.A. filed felony charges increased over the years of the consent decree, suggesting indirectly at least that the quality of those arrests has improved. As the total number of Part One adult arrests fell from 27,907 in 2000 to 20,710 in 2007, the rate at which they were filed as felonies rose from 23 to 35 percent. Perhaps more impressive, as the number of Part Two adult arrests rose from 91,484 to 117,696, the rate at which they were filed as felonies increased from 13 to 17 percent.

Precisely because the LAPD does not control the filing decisions, the rate at which suspects are charged is a particularly good, if indirect, measure of quality. Indeed, the future course of justice in each case depends in large measure on the quality of the relationship and coordination between the police and prosecutor, and this depends in part on the quality of arrests. The LAPD now routinely uses the “filing rate” as part of its internal performance measurement process, treating it as an indicator of the quality of police enforcement activity.

Beyond the filing of felony charges, arrests can also result in misdemeanor charges or the release of arrestees, even before they get to court. Figure 21 depicts changes in all three possible outcomes for an arrest when screened by police supervisors and the District Attorney’s office. For Part One arrests, the felony filing rate increased while both the release rate and misdemeanor filing rate fell. For Part Two arrests, the felony filing rate increased, the misdemeanor filing rate fell, and the release rate remained steady, at 14 percent.



At the end of our analysis of de-policing claims, the meaning of the data seems clear, especially from 2002 onwards: both quantity and quality of enforcement activity have increased. Officers of the LAPD stopped more people on foot and in vehicles, and more of those stops resulted in arrests. Officers of the LAPD arrested more people as well, and more of their arrests were filed as felonies. If the consent decree has kept police officers

from dealing with crime or criminals, there is no sign of it in the data on enforcement activity. Indeed, arrests for the most serious offenses—the so-called Part One crimes—declined as serious crime declined in Los Angeles, but even within this smaller pool of arrests, the absolute number of felony filings increased, suggesting an increase in the quality of arrests.

### **Use of Force**

Perhaps the most difficult change to effect in a police organization is to decrease the use of force, for it is here that protective routines are most firmly entrenched, and deep concerns for officer safety dominate other priorities. It is particularly impressive, therefore, to find the use of force declining in the LAPD under the consent decree.

Under the definitions contained in the consent decree, the LAPD distinguishes between two kinds of force used in the course of law enforcement activities. “Categorical force” occurs when an officer uses a firearm, a carotid artery control hold, or a head-strike with an impact weapon in order to apprehend a suspect; when a suspect suffers law enforcement related injuries, including dog-bites (or “canine contacts”) that require hospitalization; or when an arrestee dies while in the custody of the LAPD. “Non-categorical force” occurs when any employee of the LAPD uses a less lethal control device, such as an electric stun-gun or bean-bag shotgun, or physical force to compel a person to comply with the employee’s direction or overcome resistance during an arrest or a detention, or defend any individual from an aggressive action by another person. We follow these distinctions in this section as we describe trends in the use of force.

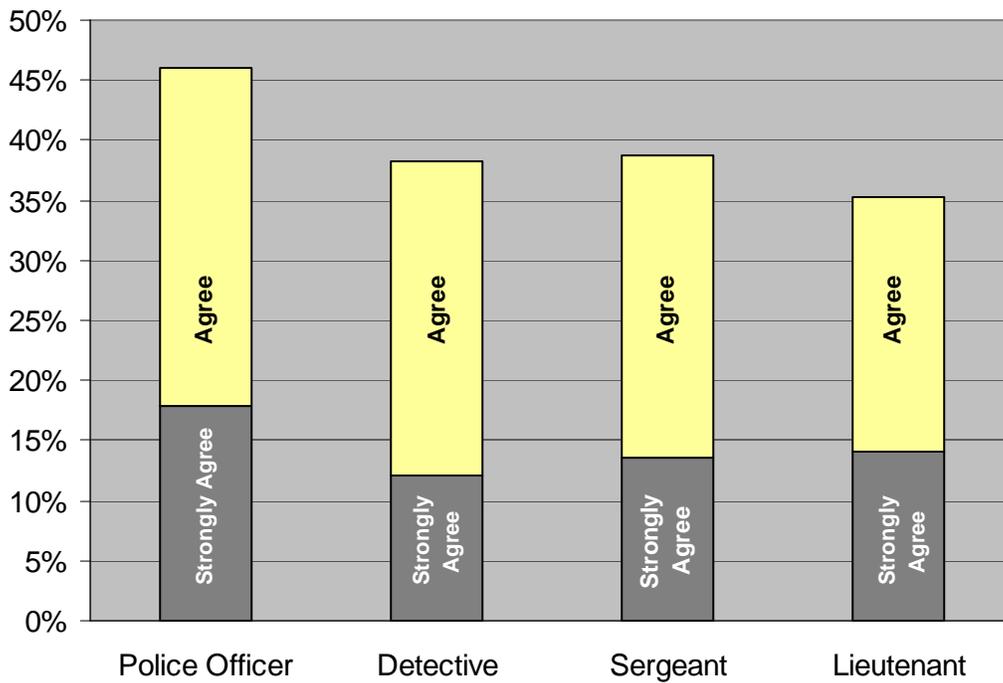
The consent decree prescribes in detail how the Department must train officers in the use of legitimate force and critically investigate all incidents in which force was used. It requires the Department to separate officers involved in such incidents, record all information about the impact on suspects of the use of force, and consider the employment history of officers involved in these incidents as it evaluates the events. In 2003, three years into the consent decree, officers in the LAPD were aware of and apparently anxious about the possibility of disciplinary action that might result from a finding that the use of force that was unlawful or out of policy. In that year, 86 percent of all officers surveyed strongly agreed or agreed with the statement “the risk of disciplinary action prevents LAPD officers from using reasonable and necessary force.”<sup>18</sup>

By 2009, officers’ nervousness about the possible consequences of using force had substantially subsided. More than half of all officers in 2009 say they are not hesitant to use any type of force. Still, a substantial minority of police officers (18 percent) strongly agree with the statement “I am hesitant to use force because of the possible impact on my career.”

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<sup>18</sup> Survey conducted under the direction of John Linder for the LAPD.

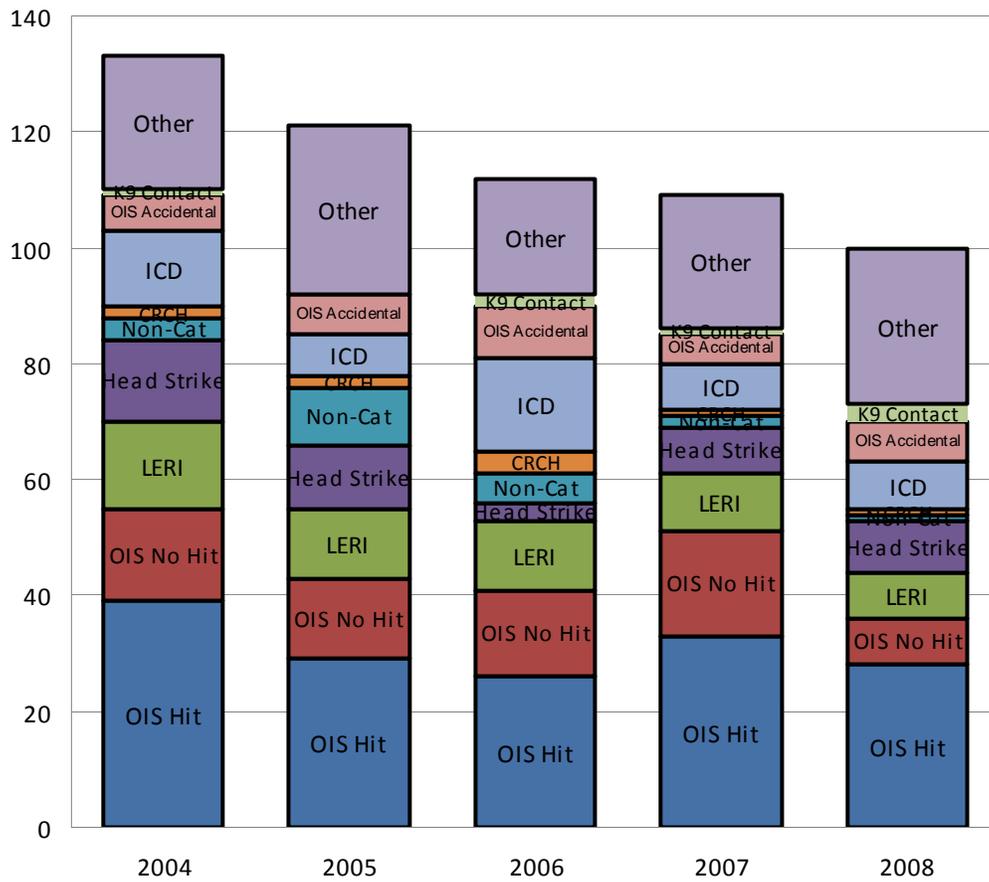
Figure 22. LAPD Sworn Officers who agree that “I am hesitant to use force because of the possible impact on my career” by Rank, 2009



Source: Harvard Kennedy School, Program in Criminal Justice Policy & Management. Note: The survey asked separately about hesitation to use categorical and non-categorical force. The results here show the percentage of officers who “strongly agree” that they hesitate to use either type of force or both, and those who “agree” (but not strongly) that they hesitate to use one or both types of force.

Since 2004, the first year for which we have consistent information on all incidents of the use of categorical force, including the race and ethnicity of the suspects and officers involved, the total number of categorical force incidents declined by almost 30 percent. We found a reduction in the use of all types of categorical force in those years, including officer-involved shootings. There was a reduction in the shootings in which a suspect was hit as well as those in which no one was hit. The number of in-custody deaths, carotid-restraint choke holds, head-strikes, and “law-enforcement related injuries” (uses of force that require hospitalization) also fell at roughly equal rates. As Figure 23 shows, the only types of categorical force which increased in this period were K-9 contacts, and three kinds of force grouped together as “other”: the negligent discharges of weapons, the shooting of animals, and the use of lethal force by other law enforcement agencies.

Figure 23. All LAPD Categorical Force Incidents, 2004 to 2008



**Key:**

Other = the negligent discharges of weapons, the shooting of animals, and the use of lethal force by other law enforcement agencies

K9 Contact = Dog bites

CRCH = carotid-restraint choke holds

Non-Cat = the use of non-categorical force resulting in a hospitalization

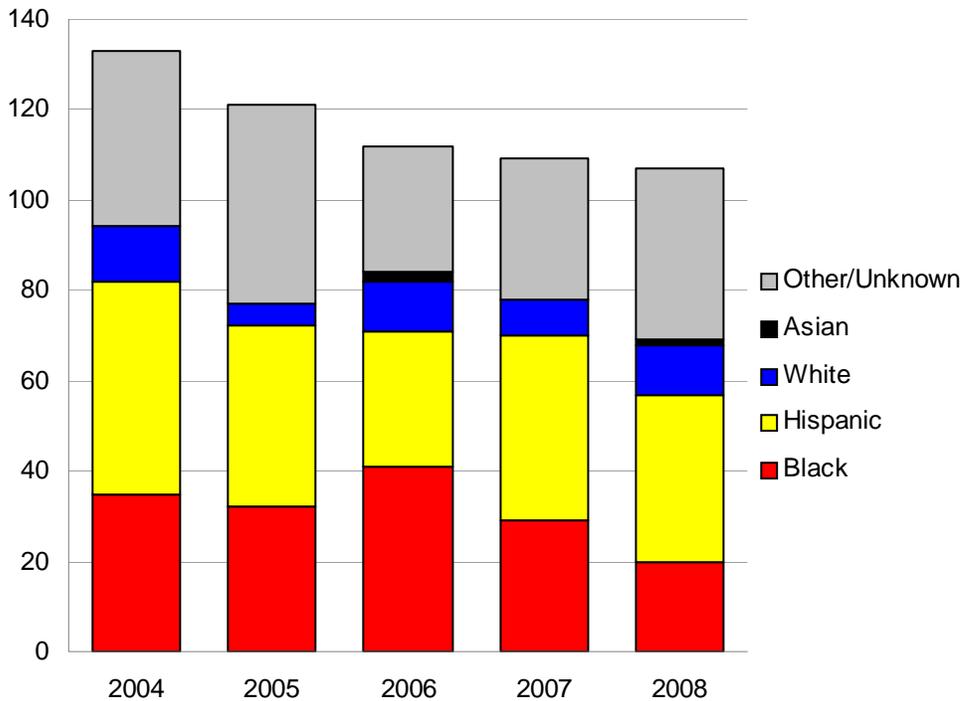
LERI = any other uses of force that require hospitalization

OIS = officer-involved shootings

Source: LAPD.

Over these years, so far as we can tell, the incidence of categorical force used against Blacks and Hispanics decreased more than such force used against Whites. As Figure 24 shows, the number of suspects identified as Black involved in categorical force incidents fell from 35 in 2004 to 20 in 2008. The number of suspects identified as Hispanic involved in such incidents fell from 47 to 27 over the same period, while the number of suspects identified as White decreased negligibly, from 12 to 11. The racial and ethnic identities of persons subject to categorical force are not always recorded in the LAPD data, especially for certain kinds of force, such as accidental and negligent firearm discharges.

*Figure 24. All LAPD Categorical Force Incidents by Suspect Race/Ethnicity, 2004 to 2008*



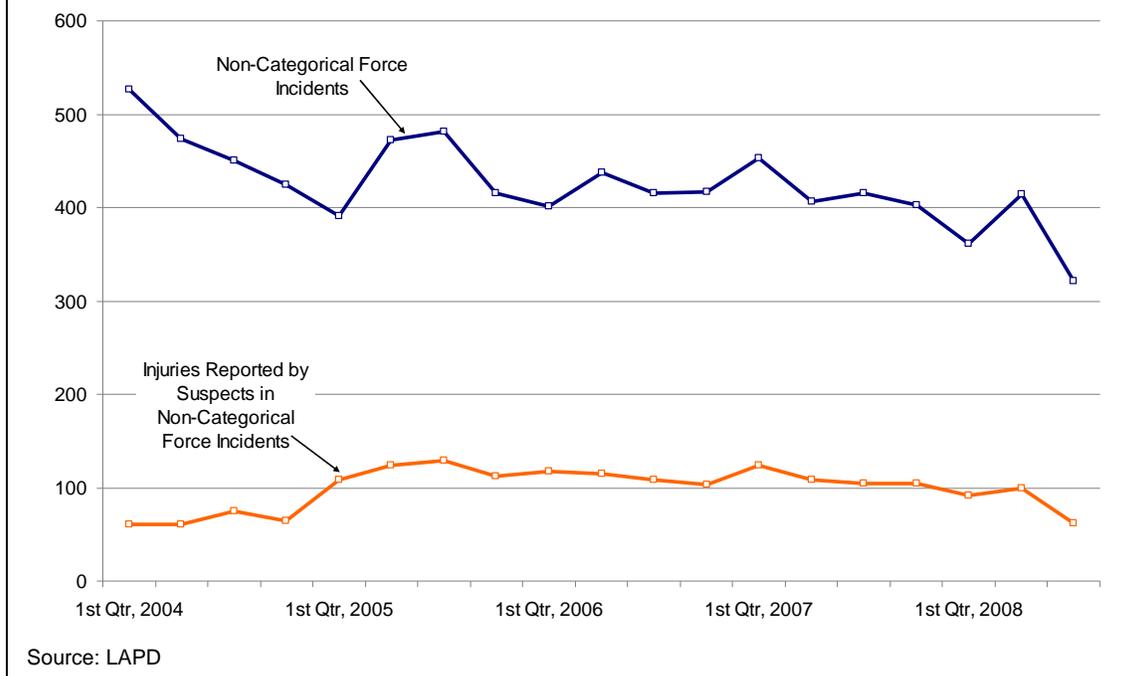
Sources: LAPD. Note: Racial/Ethnic data were often unknown for certain kinds of categorical force, such as accidental and negligent firearm discharges. Data available from the Office of the Inspector General shows a lower number of incidents for the period 2001 to 2003, but a similar pattern of annual declines, suggesting that an increase in 2004 may be due in part to improved reporting.

The decline in the incidence of the use of categorical force is all the more striking when examined against changes in the level of law enforcement activity in this period. As we have already seen, the annual number of arrests increased considerably during the consent decree period, growing by six percent between 2004 and 2008. The incidence of the use of categorical force per 10,000 arrests thus fell in this period from 8.1 to 6.2.

We found roughly similar declines in the use of non-categorical force. Overall, the number of incidents in which an officer used non-categorical force fell from over 500 in the first quarter of 2004 to less than 400 per quarter in the third quarter of 2008, the last period for which we were able to collect information. In the same period, as Figure 25 shows, the number of suspects complaining of an injury in the course of such an incident initially rose and then declined slightly from approximately 120 in the third quarter of 2005 to under 100 in the third quarter of 2008.<sup>19</sup>

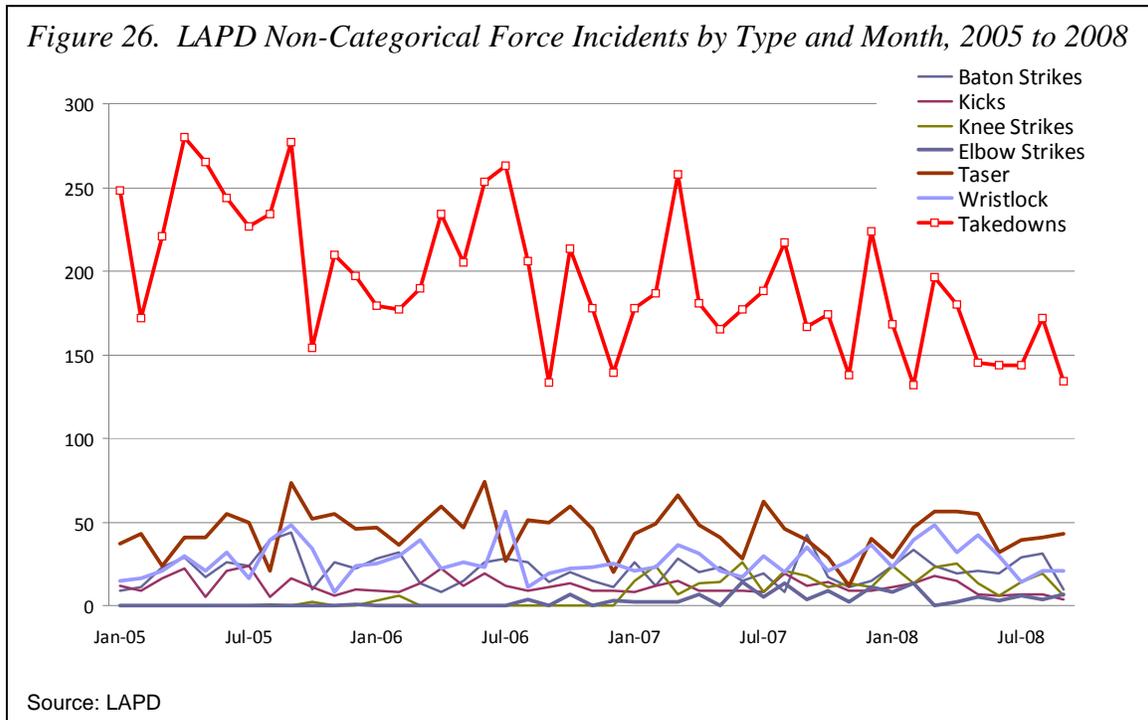
<sup>19</sup> We were told by officers in the Use of Force Review Division that some of the volatility in the levels of incidents and injuries in 2004 may be the result of changes in the systems for recording these incidents.

Figure 25. All LAPD Non-Categorical Force Incidents and Suspect Injuries, 2004 to 2008, by Quarter



The use of non-categorical force did not decline in all bureaus or divisions. According to data collected and analyzed by the LAPD’s Use of Force Review Division, there was a 17 percent *increase* in the number of non-categorical force incidents in the Central Bureau between 2006 and 2008. In all other bureaus in these years, the number of such incidents fell. Most of the increase in the Central Bureau was attributable to changes in the incidence of non-categorical force in Rampart and Hollenbeck divisions. In these same divisions, however, the number of arrests increased by 13 and 24 percent, respectively. The likelihood that an arrest was accompanied by the use of non-categorical force thus decreased.

Because so many kinds of force are collected within the term “non-categorical,” it is useful to note that one type of force in particular is driving the trends here: what the LAPD calls a “take-down.” As the chart below illustrates, take-downs far out-number every other kind of force described as non-categorical, and it is take-downs that decrease over this period, while the other types of force persist at roughly the same low levels.



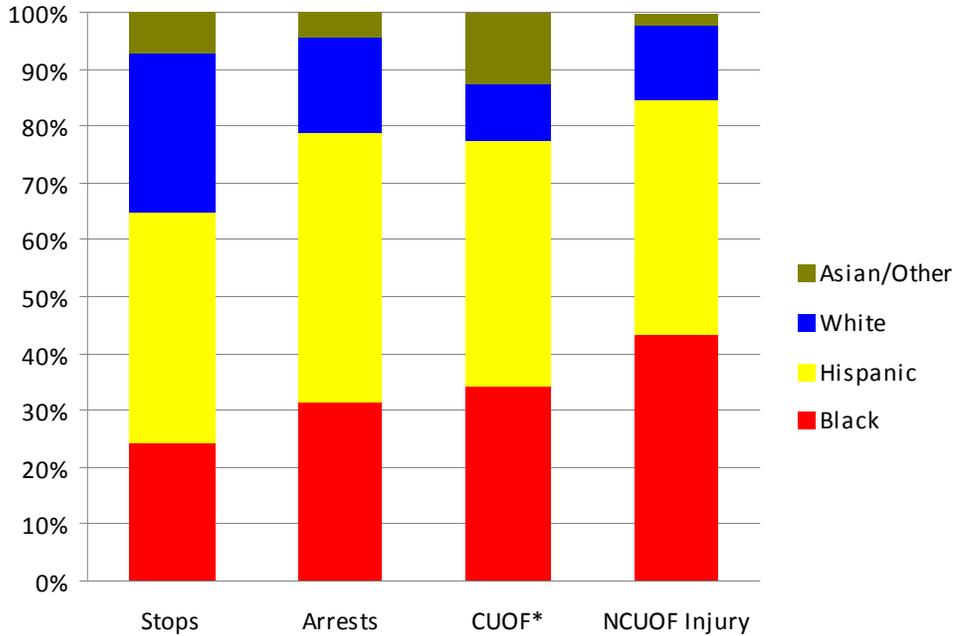
A troubling pattern in the use of force is that African Americans, and to a lesser extent Hispanics, are subjects of the use of such force out of proportion to their share of involuntary contacts with the LAPD. As Figure 26 shows, Black residents of Los Angeles comprised 22 percent of all individuals stopped by the LAPD between 2004 and 2008, but 31 percent of arrested suspects, 34 percent of individuals involved in a categorical use of force incident, and 43 percent of those who reported an injury in the course of a non-categorical force incident.<sup>20</sup> While we do not question appropriateness of the use of force itself revealed in these figures, the need to use force is often the result of discretionary, tactical decisions made minutes and sometimes hours before the use of force itself. The Department is focusing today on improving the tactics that lead to the use of force, and these figures underscore the importance of that effort.

In 1991, the Christopher Commission concluded that a significant number of officers repetitively used force against the public and persistently ignored Department guidelines. Nearly two decades later, we found a department much changed from this description. The use of force seems to be declining even while enforcement activity is growing. The Department is beginning to do its own analyses of trends, and these are being pursued with energy and commitment. Nevertheless, it is difficult to compare precisely the use of force today in the LAPD with that before the consent decree, since the data for categorical force are only reliable from 2004 onwards. Our direct observation of the LAPD confirmed for us that the culture of the Department remains aggressive: we saw a

<sup>20</sup> The arrest percentages are based on all arrests in the City of Los Angeles, and these include a small fraction of arrests (<10%) made by agencies other than the LAPD. The head of the LAPD’s CompStat unit assured us that the proportions excluding these non-LAPD arrests would not differ significantly.

lot of force displayed in what seemed to be routine enforcement situations. Our quantitative research found every indication that uses of the most controversial forms of force are declining; we also observed that the use of force is carefully scrutinized by supervisors and managers. The most serious complaint of the Christopher Commission in 1991 was that management rewarded those who used force inappropriately, so it is to changes in the Department’s management that we now turn.

*Figure 27. LAPD Stops, Arrests, and Uses of Force by Race/Ethnicity of Suspect, 2004 to 2008 Combined*



**Key:**  
 CUOF\* = Categorical Use of Force, excluding accidental and negligent firearm discharges & dog bites. N=579  
 NCUOF Injury = Non-categorical use of force resulting in injury. N=1,873.  
 Stops: N= 1,837,321  
 Arrests: These figures are for the City of LA, but they include a small fraction (<10%) of arrests made by other law enforcement agencies, such as the California Highway Patrol. N= 878,327  
 Source: LAPD

### Managing the Department

Three substantial innovations in management accompanied the changes already described in the composition of the Department and in its enforcement activity. The first of those was the construction and implementation of the TEAMS II computerized system for tracking individual officer behavior, explicitly required by the consent decree. TEAMS II is the LAPD’s version of what other police departments sometimes call an “early warning system,” a database that collects information about each officer’s uses of force, civilian complaints, training activity, commendations, vehicle accidents, and many other indicia of performance, and then alerts supervisors about those officers whose patterns of activity seem riskier than their peers. The second innovation was the CompStat process of data

analysis and meetings introduced by Chief Bratton. CompStat forces supervisors to focus their attention on crime trends, encouraging them to design and execute strategies to reduce crime. The third innovation was the development of an audit capacity within the LAPD. The creation of an Audit Division, which tracks the implementation of recommendations adopted by the Commission, allows the Department to scrutinize and test its own internal controls over police activity in much the same way a large corporation conducts audits of its internal financial controls.

Each of these three management innovations has its strengths and weaknesses. TEAMS II, for example, years behind its original schedule, has only been operational for a couple of years. Nearly every manager whom we interviewed about TEAMS said it was a useful innovation, gathering important information about an officer in a single place so that supervisors can make at least tentative judgments about what kind of officer they are supervising. Yet many of these same supervisors complained that TEAMS does not produce enough value for all the time and effort that it requires.

The mixed view of TEAMS II was evident in most of our interviews. According to one sergeant:

TEAMS has created more work for the watch commander. It's easily 20 percent more work. If it would save me 30 percent of my time, if it changed the way cops do the job, I would say great. But it just doesn't have that great of an impact.

And as a captain explained: "The TEAMS report is practical, but the action-item system is really an overlay on the existing comment card and notice-to-correct system." Many managers echoed this complaint about the "action-items" generated by TEAMS II. As one explained:

Action items are flawed. The system tries to relate actions of officers to those of their peers. A lot of officers who are not high-risk will pop. We have to go through the action-item process even with obvious false positives. I'm not saying it's a bad thing, but it does create additional work.

Still, this same captain acknowledged the benefits of TEAMS II: "It forces sergeants to pay attention to their people. It keeps supervisors on top of their game." We note, as well, that we conducted our interviews at a time when TEAMS II was relatively new to most users, so the time required may diminish with experience. As one member of the Police Commission and a noted critic of the LAPD told us, "We thought TEAMS II was pie in the sky, but guess what: It's doing what it's supposed to do."

The CompStat system of data analyses and meetings gets similarly mixed reviews from within the Department.

Much has been published about CompStat both as Chief Bratton first introduced it into the New York Police Department in the mid-1990s, and since then as dozens of other police departments and government agencies have adapted it to their own purposes. In the LAPD's version of CompStat, a central unit monitors crime trends and produces reports that the detective in charge of the unit uses at monthly meetings with each division

commander, questioning the commander in front of his or her peers. The division commander uses similar data to prepare for the meeting in advance, and the result is a test of the commander's knowledge of his or her area, awareness of crime trends, and initiative in designing and executing strategies to bring crime down.

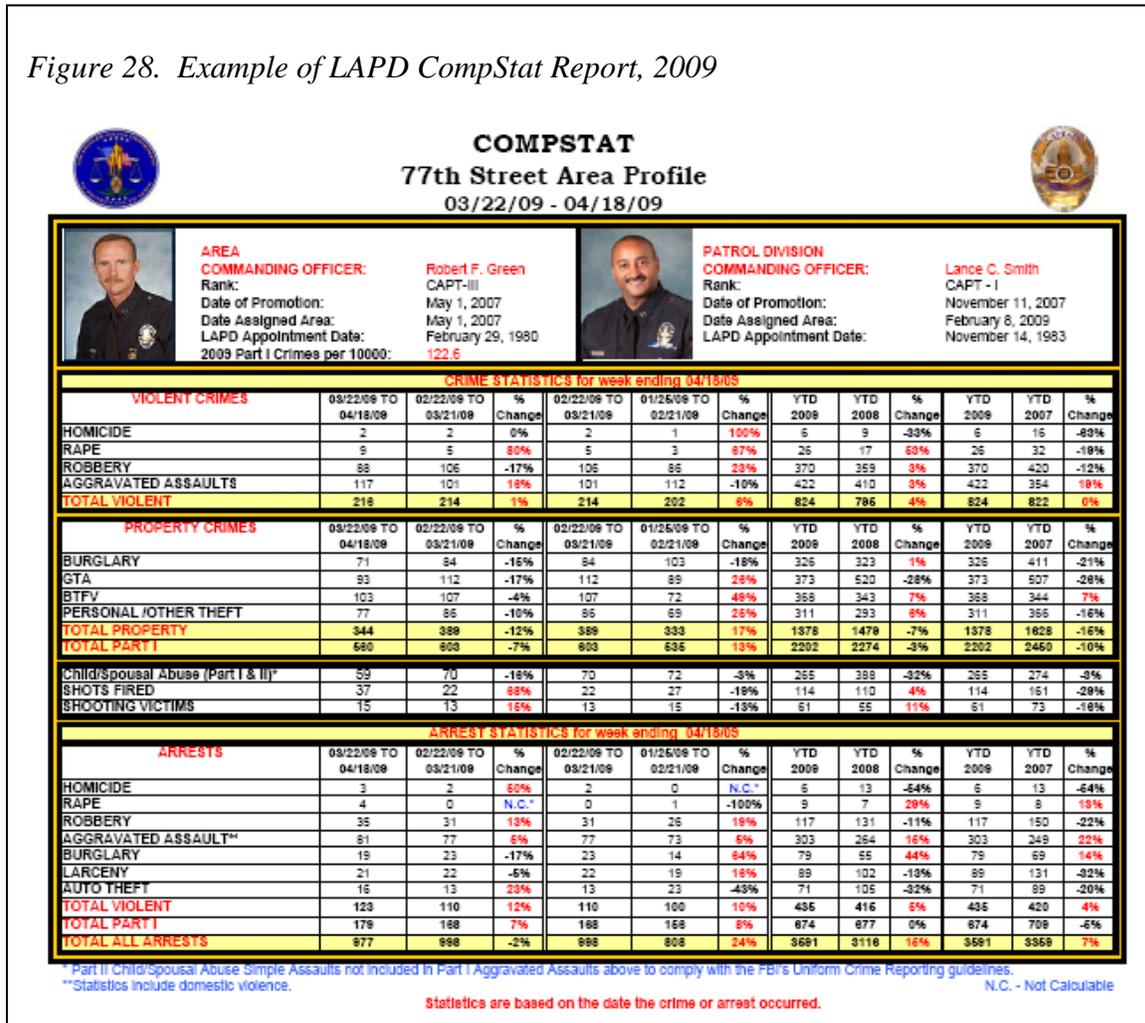
While in some police departments, the CompStat meetings are held in a central headquarters building, the LAPD rotates its meetings among the four Bureau offices. Once every four weeks, all of the division commanders in each Bureau are questioned about the trends in their division, while the other commanders from within that Bureau watch and listen. In addition, in the weeks between these monthly meetings, the divisional commanders hold their own CompStat meetings in their own divisions, working through the weekly crime trends with their own management teams.

In a focus group of supervisors, there was general agreement that CompStat is a useful innovation, but still complaints surface about the time it takes. CompStat, one said, is "a good tool that is being beaten to death." In much the same way they spoke of the frustration of dealing with the paperwork to comply with the consent decree, they complained of the frequency of CompStat meetings and the wasted time and stress associated with preparing for them. These supervisors also felt it a waste of time to sit and listen to the captains in other divisions describe crime patterns that had no relevance to them. "Who cares about crime in [a neighboring division]? If the information needs sharing, we do it. Most crime is territorial. CompStat to a certain degree doesn't allow you to grow. It stifles you. It's a meeting for the meeting for the meeting."

Many senior officials with whom we spoke seemed concerned that CompStat may focus so heavily on crime reduction that other goals are neglected. As one told us, "as long as you just push on crime, other stuff will go by the wayside.... The Chief may not fully appreciate how CompStat and the constant push on crime squeezes out space for supervisory oversight in the organization." Another problem with this push on crime data—of which all managers are keenly aware—is the risk that crime recording will be manipulated by police officers trying to game the CompStat process. Indeed, one officer suggested to us that he had personal knowledge of officers recording burglaries as vandalism in order to produce reductions in burglary numbers. New audit procedures, well beyond what the consent decree actually requires, have been implemented to detect and prevent just this sort of manipulation.

The actual experience of CompStat may be more heartening than its second-hand reputation. As one detective explained in a focus group, before attending any CompStat meetings himself, he had thought that they were a "dog and pony show." After attending a few Compstat meetings, he changed his mind and now says that he likes the concept.

Figure 28. Example of LAPD CompStat Report, 2009



The most profound effect of CompStat, however, has been to accelerate the transformation of the role of captain in the LAPD. Instead of merely implementing crime fighting tactics specified by headquarters, today's captains are expected to design and implement strategies and tactics using their own knowledge and understanding of their divisions. And then they are held accountable for the results. As one officer explained the change:

The role of the captain twenty years ago was to read the paper and have coffee and maybe walk around the station or sign some papers. Now it has turned 180 degrees. It's really wrong how much they expect of these captains. It's a 6 am to 9 pm. job. And they are called out for homicides and other big events. They are held accountable for everything.

And a sergeant reported much the same transformation with somewhat greater appreciation:

I never spoke to a captain as a young officer. Now anyone can walk into the captain's office. They are much more accountable and much more hands-on. There is more accountability up and down the line.

As one captain explained in detail:

Managing crime has been an evolving process for us. We started by looking at dots on a map in 24-hour to 24-hour periods. Now we're looking at three-month trends and identifying crime spikes.... The recaps show who's up and who's down. It's all about accountability and a sense of urgency. I work better under pressure and I think they will too.... I am real excited about our growing ability to anticipate and forecast and then to deploy and prevent. Some of it is so obvious that it's embarrassing that we didn't think of it years ago. Now you're forced to focus on what's important.

Of the three management innovations considered here, the audit capacity is probably the least appreciated within the Department, yet the creation of the audit division is as impressive as any management achievement in the LAPD. We know of no other police organization with as thorough and professional an internal audit capacity, and the audit reports are heavily relied upon by the consent decree monitor. Testing compliance with internal controls designed to reduce risk and promote integrity is not exciting work; the audit reports themselves have not yet acquired the power within the Department that would allow them to improve the practices they test; and the administrative burdens that multiple audits place on personnel in the divisions are resented. Still, the Department's leadership recognizes the crucial nature of audits in a high-stakes organization, and the LAPD's audit division is increasingly seen as a national leader.

Among busy supervisors in the field, the new audits seem to overvalue bureaucratic precision. As one especially astute lieutenant explained to us, the watch commander's job is:

a lot of detail work with a lot of interruptions. Stuff is always coming up, a use of force in the tank, an irate citizen at the desk, a breaking incident in the field. Then you miss one box on the detention log and you get dinged on an audit.

Still, even the audits are received with the same mixture of appreciation and regret that greet TEAMS II and CompStat. As one sergeant explained:

The consent decree made us a much better, more proficient organization. We now have people looking at all the right things, but it is top-heavy, using resources that could be better used elsewhere. Every audit is done at the cost of something else.

In our observation, the consent decree, combined with the Department's leadership, has indeed made the LAPD a more proficient organization, but equally impressive is the way that captains and other managers are continuing to innovate, further enhancing the management tools described here. For example, the director of the TEAMS II Development Bureau has, on her own initiative, produced a prototype dashboard for

possible use at CompStat meetings that presents several key risk indicators drawn from the TEAMS II database. Similarly, the captain in charge of the Use of Force Review Division has taken the initiative to produce an annual report that will, for the first time, publicly discuss trends in the use of force. In a third example, a deputy chief explained the new outlook of the Department nationally and internationally: “We used to be proud of being obstinate, a force unlike any other. Now we don’t thumb our noses at other people.” That these members of the command staff believe that such initiative will be rewarded, and expect encouragement for looking beyond the Department for examples of good practice is perhaps the most impressive sign of the quality management culture that the LAPD has acquired.

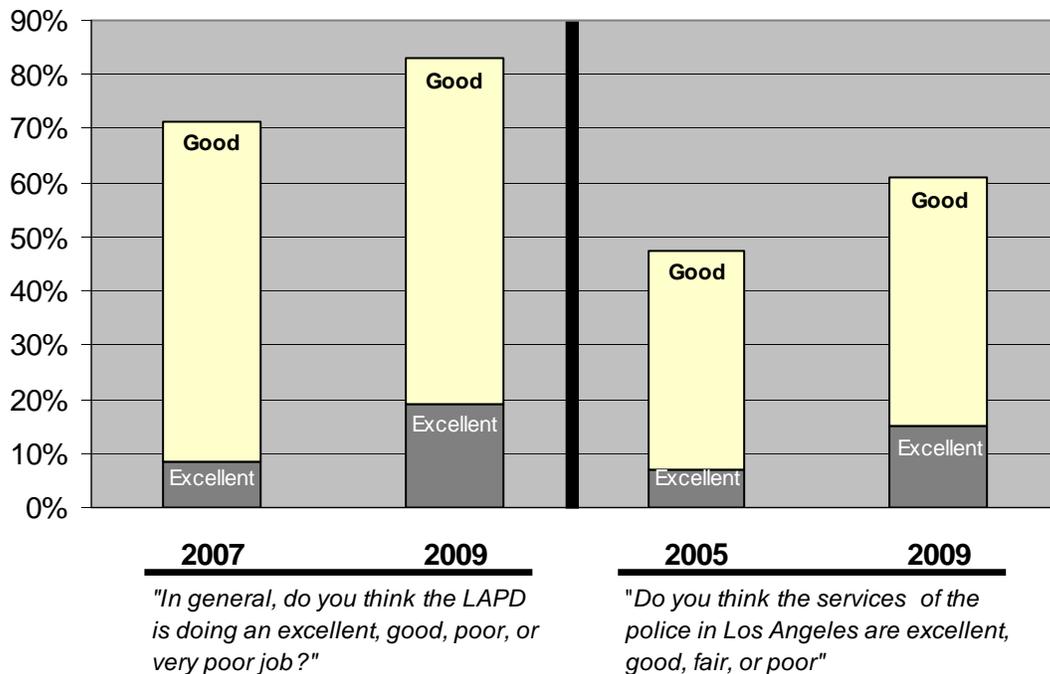
### 3. Police-Community Relations

#### Public Satisfaction and Confidence

At the heart of the federal consent decree is the question of public confidence. What do Los Angeles residents think of their police department and the service it provides? Do they believe that the Department treats people of all ethnic and racial groups fairly? Do they believe it operates with integrity?

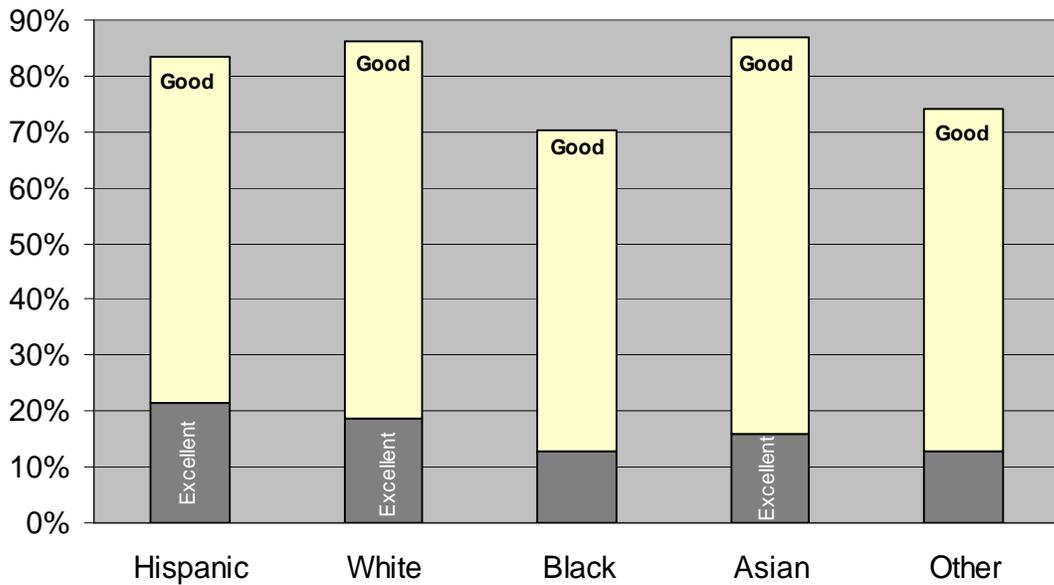
In our survey of Los Angeles residents we asked respondents separately, and in different sections of the interview, to rate the quality of the “job” that the LAPD is doing, and the quality of the “service” that the LAPD provides. We asked separately about these because different surveys in earlier years had asked either about the “job” or about the “service” and we wanted to be able to track the change from these earlier years. The results are impressive. In both cases, as the chart below illustrates, substantially greater proportions of residents rate the Department as “good” or “excellent” today, and in both cases, the percentage rating the Department as “excellent” doubled from the earlier survey. Moreover, the high ratings in 2009 are remarkably consistent across ethnic and racial groups.

Figure 29. Residents’ Assessments of the Quality of the LAPD, 2005, 2007, 2009



Source: Harvard Kennedy School, Program in Criminal Justice Policy & Management (2009); Leavey Center for Study of Los Angeles (2007); Public Policy Institute of California (2005)

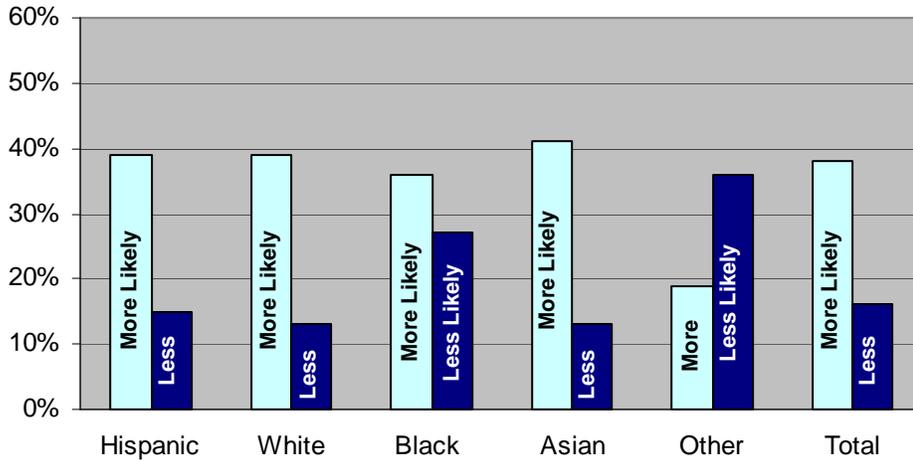
Figure 30. Residents' Assessments of the Job Done by the LAPD, by Race/Ethnicity, 2009



Source: Harvard Kennedy School, Program in Criminal Justice Policy & Management

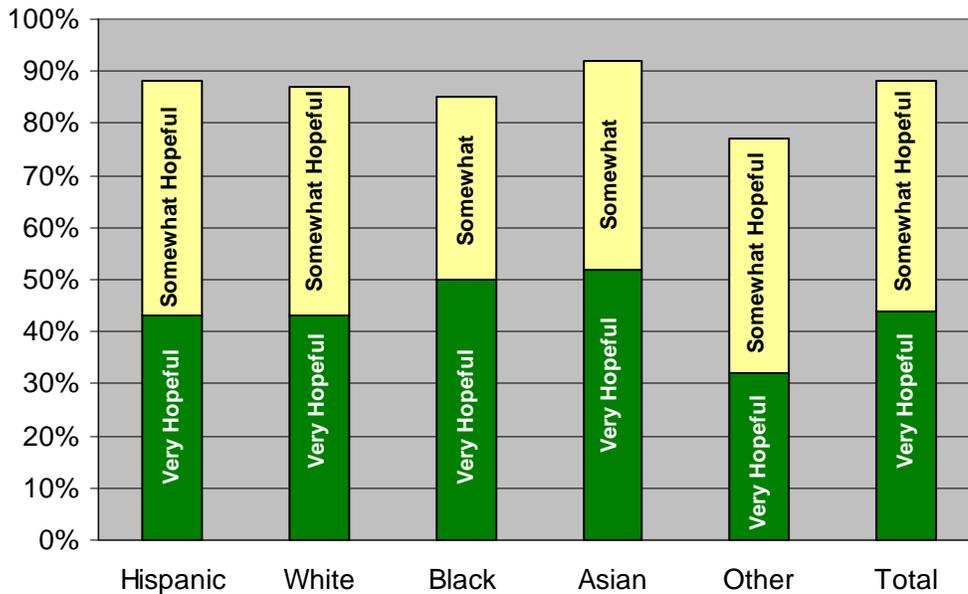
It is one thing for the LAPD to convince residents that it is doing a good job, but it is much harder to convince the public that police officers can do their job within the law and with respect for the rights of the people they police. It is heartening to discover, therefore, what is shown in Figure 31. When asked if it is more or less likely today than three years ago that the LAPD would bring offenders to justice while respecting their rights and complying with the law, more than twice as many answered that this is more likely today than thought it was less likely. Moreover, as Figure 32 shows, the vast majority of residents in every racial and ethnic group are hopeful that such policing will soon be routine.

*Figure 31. Residents' Assessment of Change in LAPD Effectiveness and Integrity, by Race/Ethnicity, 2009*



Interviewers asked: "Compared with the LAPD three years ago, do you believe the police department in Los Angeles today is more likely, less likely, or equally likely to bring offenders to justice while respecting their rights and complying with the law?" Percentages not shown thought it was equally likely, or preferred not to answer.  
 Source: Harvard Kennedy School, Program in Criminal Justice Policy & Management

*Figure 32. Hopefulness of Los Angeles Residents Concerning Police Effectiveness and Integrity, by Race/Ethnicity, 2009*



Interviewers asked: "How hopeful are you that the LAPD, three years from now, will routinely bring offenders to justice while respecting their rights and complying with the law?" Percentages not shown were "not hopeful."  
 Source: Harvard Kennedy School, Program in Criminal Justice Policy & Management

Our focus groups with community residents confirmed this generally positive but nevertheless mixed picture. Older residents who attend community meetings and know the police in their neighborhoods spoke in overwhelmingly positive terms in the groups, describing changes in recent years that brought crime down and their respect for the police up. One resident in East Los Angeles mentioned the consent decree explicitly, saying that it had been necessary a few years earlier, but was no longer needed. In the group, no one disputed this claim. After this particular focus group, however, we were approached by one resident who described himself as the father of a former gang member and who relayed an experience when a police officer came to his house in the early morning hours, asked permission to look around, and then walked through the house with his hand on his gun. He told us he had been extremely uncomfortable although nothing else happened. His point, he said, was that the positive stories are true, but they are not the whole story.

At a “community forum” organized and attended by LAPD officers from the community relations division, we were not surprised when attendees expressed positive feelings about the LAPD. Several participants claimed there had been “a change in the organizational culture” of the LAPD, exemplified by the willingness of leaders to “listen to criticism,” “admit mistakes,” and participate in sometimes “painful dialogue” with communities. “It’s no longer all about just crime statistics,” said one person. Most participants also could cite a concrete example of such change – the rapid and rigorous response to problems at MacArthur Park, joint planning with community organizations to prevent retaliatory violence at funerals, officers reading books to children at school, the reform of the Rampart division, the promotion of minorities to responsible positions, the use of gang intervention officers, and the renunciation of the tactics used in a notorious project of “mapping of Muslim communities” with the FBI. Two participants, both Latino, reported quite negative personal experiences (officers hauling away parked autos in a predominantly immigrant neighborhood, or glaring at drivers of dilapidated pick-up trucks), but still seemed to have a positive appreciation of the LAPD. The general sentiment was that the LAPD “has come a long way.” “The old LAPD ruled by fear,” said one person, “but that is no longer the way the police work.”

Even in these gatherings of people friendly to the LAPD, there were concerns. For example, many were unsure how deep into the LAPD the cultural change had penetrated. One person said: “we are hopeful, but fearful” that changes will last. Another sensed “resistance to change from below” and several thought that changes might not withstand the departure of Chief Bratton or the flare-up of a new social conflict. Alluding to tensions over cross-racial homicides, one person said ominously: “our community is full of ‘dry brush.’” Another person said: “That’s why we need random check-ups -- to prevent the Department from looking all bad when a tragedy occurs.”

Among the members of the community forum were some religious leaders. One African-American church leader told us that he is most impressed by the strategic use of gang intervention officers by the LAPD and the extensive, laborious collaboration between gang enforcement division officers and community leaders in the management of funerals

of gang members. He believes the decline in homicides over the past few years in LA is the result of a reduction in “retaliatory killings” which he says frequently follow, and sometimes occur at, funerals of gang members. He thought this joint work to improve public safety had left positive impressions on both the police and community. “The gang members exchange information with the cops, and are astounded at their sensibility. The cops also show a humorous, humane side, saying ‘yes, we’ve got some knuckle heads in our organization, too,’” he told us.

Our focus groups with older teenagers and young adults were understandably dominated by complaints about police officers, reflecting trends nationwide that show young people especially discontent in their experiences with police. Even if some of the young people had had positive encounters with police on some occasions, formal focus groups are designed to reveal what is, and is not, acceptable to talk about in a group setting, and we did not expect that the culture among these young people would encourage positive statements about the police. It seemed significant, therefore, when one young woman listened to another young woman in the group complain that she had frequently seen police officers whistling and cat-calling at women in the neighborhood, diminishing her opinion of them and making it less likely that she would ask them for help if she were ever in trouble. The other young woman interjected, reminding the group that the situation in Los Angeles has gotten better. “I don’t know, but in my neighborhood I think it has gotten better. There use to be a lot more gangs and shootings and now there aren’t so many,” she said, and no one argued with her.

### **Detainee Interviews**

Just as our focus groups with active community residents, youth, and police officers allowed us to look more closely at how these three important groups see police-community relations, we also sought to examine more closely the opinions of those residents who have frequent, involuntary contact with the LAPD. How do the people whom the LAPD arrests feel about relations between the police and their communities?

Our research team interviewed 71 detainees within a few hours of their arrests. The detainees were randomly selected but this was not a representative sample of detainees. Rather, it was a convenience sample allowing us to probe more deeply the same questions we were asking residents, gaining the perspective of many more residents who have frequent contact with the police. Of the 71, most had been stopped at least three times by the police in the last two years, and 13 told us they had been stopped more than 20 times in that period. All but four were men, and they ranged in age fairly evenly from 18 to 65. Their most common communities of residence were South Central LA (23), Downtown (22), and East LA (7). Fifteen of the interviews were conducted in Spanish.

Many members of our research team were surprised at the positive responses to the questions we asked. For example, 39 of the detainees—just over half—told us the LAPD is doing a “good” or “excellent” job. That is not the 83 percent that we found in our survey of residents, but it is still impressively high among a sample of recently arrested individuals. Between a third and a half of the detainees told us that in the last two-to-

three years, the LAPD had improved in its professionalism, its community relations, its respect toward residents, and the quality of its performance.

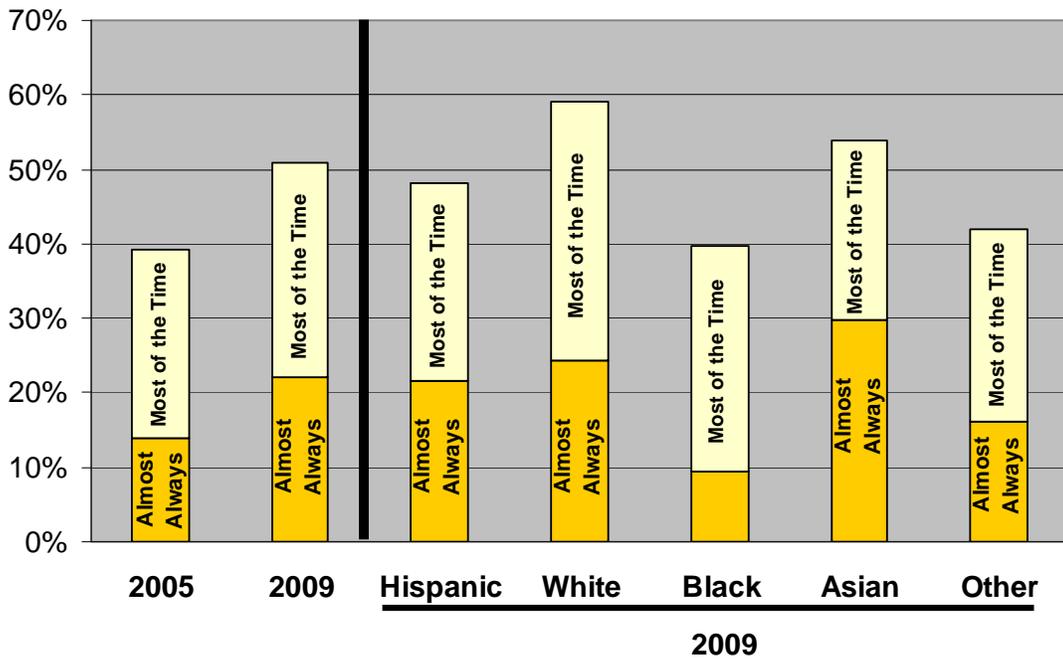
In two open-ended questions, we asked the detainees to tell us the best experience and the worst experience that they had ever had with an LA police officer. The worst experiences included examples of allegedly wrongful arrests, handcuffs being applied too tightly, and many examples of disrespect. The best experiences were equally telling, if not more so. One immigrant detainee said he had been comforted by his arresting officer when he expressed fear of being deported as a result of his arrest. Another detainee described a sergeant who helped him file a civilian complaint against another officer whom the detainee felt was harassing him for no reason. The research team noticed a pattern of positive experiences that involved police acknowledging a detainee's feelings or individual circumstances.

### **Relations with Racial and Ethnic Minority Communities**

In our survey, we asked a series of questions designed to explore the sensitive question of police relations with members of racial and ethnic minorities, asking about both general beliefs and about personal experience with police treatment of friends and family. In every case, the responses to questions asked in earlier surveys improved in 2009. In addition, we found strong expressions of confidence in the fairness of the LAPD and the respect it shows to members of racial and ethnic minority groups. Within the 2009 results, however, there is a worrying trend: a lower level of confidence among African-American respondents.

This general pattern is evident in the most straightforward question we asked: "Do you think that the police in your community treat all racial and ethnic groups fairly?" The same question was asked in a 2005 survey, and by 2009 the positive answers had risen from 39 to 51 percent of respondents. Moreover, the results for separate racial and ethnic groups in 2009 showed a relatively consistent and strong pattern, as shown in the chart below. Yet Black residents of Los Angeles answered less positively to the question, with 23 percent of Black residents responding, "almost never." That is far higher than the percentage of other groups answering "almost never" (14 percent for Hispanics, 10 percent for Whites, and 6 percent for Asians).

Figure 33. Residents' Assessment of Frequency of Fair Treatment by LAPD, 2005 and 2009

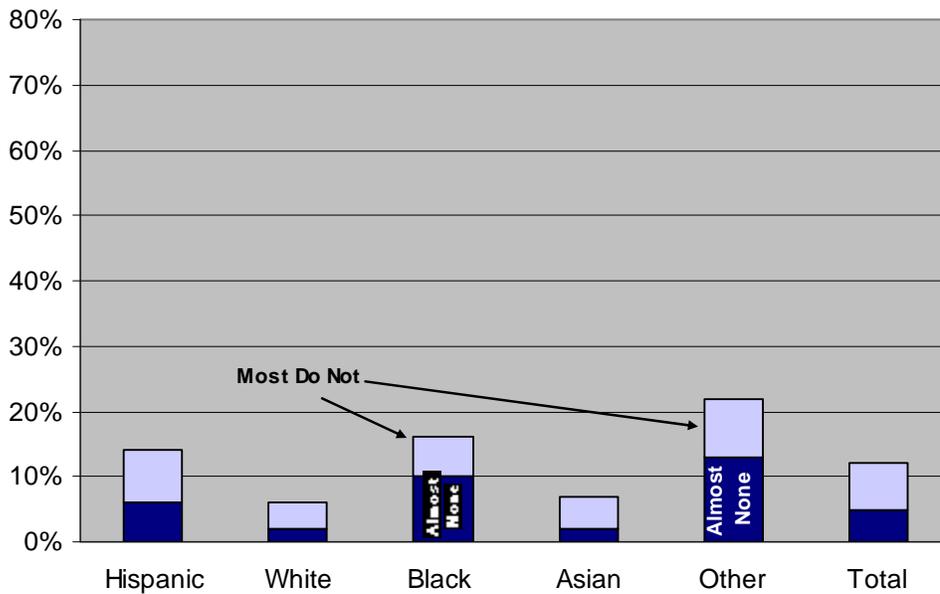
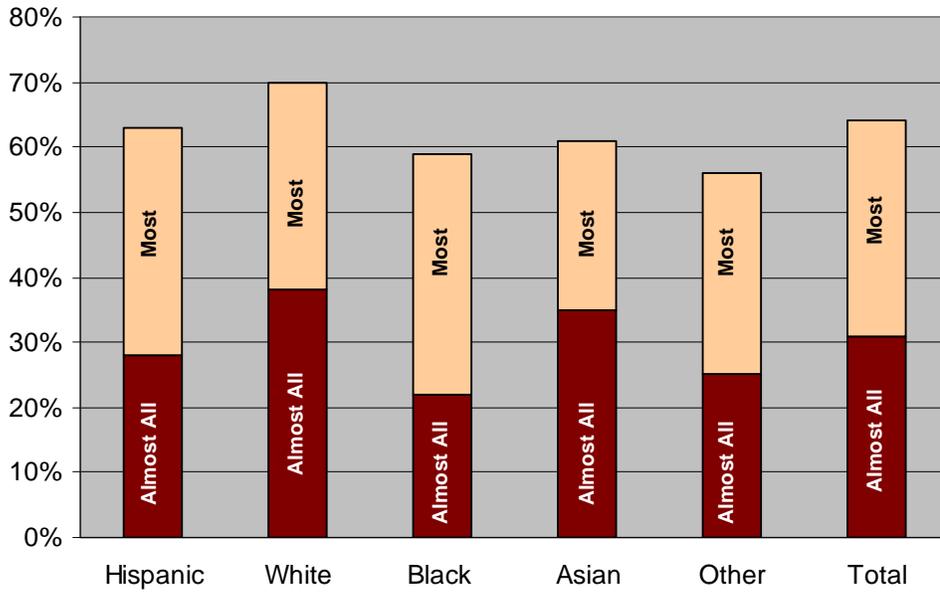


Interviewers asked: "Do you think the police in your community treat all racial and ethnic groups fairly?"

Source: Harvard Kennedy School, Program in Criminal Justice Policy & Management (2009); Public Policy Institute of California (2005)

We asked residents to tell us, based on their personal experiences, how many of the LAPD officers they encounter treat them, their friends, and their families with respect. Issues of respect figure prominently in conceptions of fairness and equal treatment across all racial and ethnic groups, as well as in people's conceptions of justice. Again, the general pattern was very positive, with majorities of every racial and ethnic group reporting that most, if not all, of the LAPD officers they encountered treated them and their friends and family with respect. But among Black respondents, 10 percent reported that almost no LAPD officers treat them with respect, and the figure was even higher for the small number of residents who identify as something other than Hispanic, White, Black, or Asian. On its own, this 10 percent figure might not cause too much concern, but it is twice the rate for Hispanics and it fits the pattern we observed across most questions, suggesting that in a portion of African-American communities, relations with the LAPD remain tense.

*Figure 34. Residents' Experience of How Many LAPD Officers Treat Them with Respect, by Race/Ethnicity, 2009*



Interviewers asked: "Based on your personal experiences, how many of the LAPD officers you encounter treat you, your friends, and your family members with respect?" Percentages not shown answered "about the same treat us with respect as do not treat us with respect" or preferred not to answer.  
 Source: Harvard Kennedy School, Program in Criminal Justice Policy & Management

We can see the same pattern in responses to our general question about relations between the LAPD and our respondents' own communities. A majority of each racial and ethnic group described relations between the LAPD and their communities as positive, and in a separate question, the vast majority of respondents saw those relations as either stable or getting better over the last three years. Again, however, there are troubling responses from African-Americans, 22 percent of whom described relations as negative, with 10 percent describing them as very negative.

We observed several of the efforts that the LAPD is making to strengthen its relations with communities, especially in predominantly Black and Hispanic neighborhoods. Of particular interest, amid a variety of programs and priorities, is the role of the Senior Lead Officers in each police division. While the role itself dates back at least a couple of decades, the SLOs have taken on greater significance since the consent decree. Removed from the obligations to respond to routine calls-for-service, these officers become specialists in their neighborhoods, not only attending the usual panoply of community events, but building strategic relationships with community leaders, activists, and respected neighborhood residents.

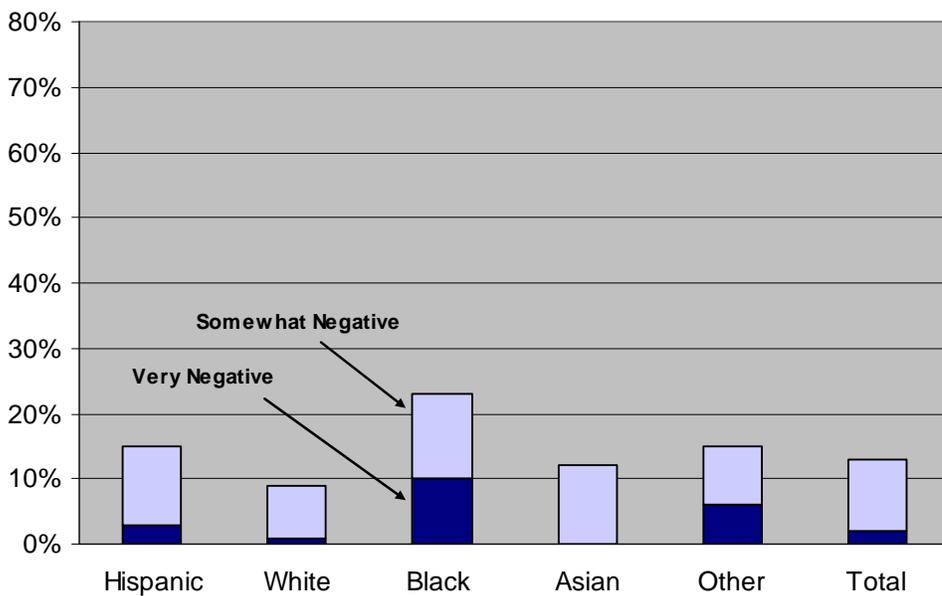
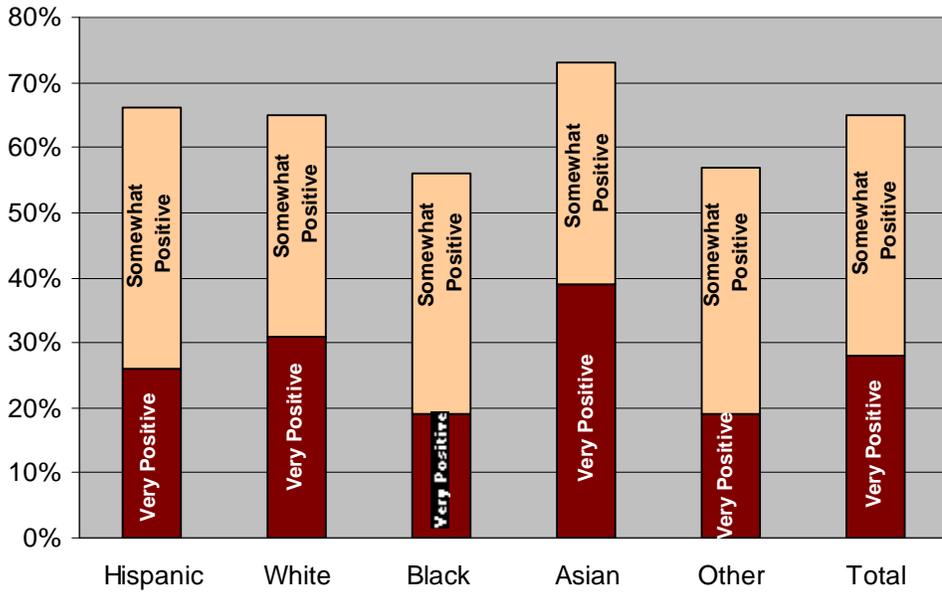
We found the SLOs whom we interviewed to be impressively well informed about the neighborhoods they police and the people who live and work there. Moreover, unlike community liaison officers in some other departments, the SLOs are able to direct and monitor the work of officers in their divisions. For example, we observed one SLO make an effort to re-assign an officer whom he believed was not well suited to a particular neighborhood. We also observed division commanders assess the work of SLOs as part of the core business of their divisions, not merely as an add-on program. In a meeting to select the "officer of the year" in one division, the captain indicated his preference for a SLO over a sergeant who had made many arrests that year because the SLO had "prevented crime as well as stopped it."

Positive attitudes about the role and contribution of SLOs to the mission of the LAPD permeate the Department. Seventy-seven percent of all officers completing our survey strongly agreed or agreed with the statement "the work of Senior Lead Officers helps reduce crime," with one quarter strongly agreeing. Eighty-eight percent of officers agreed or strongly agreed with the statement "SLOs do valuable work for the Department," with one-third strongly agreeing. The work of the SLOs is unlikely to resolve all of the remaining difficulties in police-community relations, but they appear to represent an important strategic asset in that effort.

In sum, the rift between the LAPD and its communities has narrowed, and the communities across the City of Los Angeles are increasingly confident in the professionalism of the LAPD. We found a spectrum of opinion, but not a divided city. From the detainees who had just been arrested, to the older teenagers, to the most committed community activists, we found remarkably similar opinions: mostly cautious optimism that the police in Los Angeles could treat them with respect while effectively providing a service of high quality. Perhaps the most significant pattern to emerge from our study of public attitudes is that the city's African-American communities, often the

least satisfied with the Department today, are also the most hopeful about its continued improvement.

Figure 35. Residents' Assessment of Police Relations with Their Communities, 2009



Interviewers asked: "How would you describe relations between the LAPD and the community where you live?"  
 Percentages not shown answered "Neither positive nor negative" or declined to answer.  
 Source: Harvard Kennedy School, Program in Criminal Justice Policy & Management

## **4. Changes in Governance of the LAPD**

### **The Commission and the Inspector General**

The governance and oversight of police work in every democratic society is multifaceted. While police in authoritarian societies are answerable only up the chain of command to a chief autocrat, police in democracies are answerable to many bodies: chief executives, courts, legislatures, auditors, commissions, neighborhood associations, journalists, and more. Governance of policing in a democracy is never straightforward.

The Los Angeles Police Department is formally governed by the Board of Police Commissioners, a five-person, civilian body with each member appointed by the Mayor and confirmed by the City Council for a five-year term, renewable once. The Police Commission's own materials describe it as the equivalent of a corporate board of directors, but the Commissioners serve without pay and are expected to work harder than any independent corporate directors, attending weekly Commission meetings and devoting between 25 and 50 hours per week to Commission business. Unlike a corporate board, the Commission is served by an executive director and staff.<sup>21</sup> The Commission has formal authority to hire the Chief of Police (also for a five-year term, renewable once) and to set broad policy for the Department. Two years into the consent decree, the Police Commission decided not to renew the appointment of then-Chief Bernard Parks, subsequently hiring William Bratton as Chief and renewing his appointment in 2007.

The Police Commission, like any governing body, must maintain a balance between critical review and public support. It must hold the LAPD and its Chief accountable and in compliance with its policies, yet it also must encourage them to align their work with changing public needs and expectations. The Commission must defer to the expertise of police officers and respect their exercise of discretion in operational matters at the same time as they require compliance with rules and procedures that can seem rigid. These challenges are multiplied when the work of the Department draws public attention and controversy, and they are complicated further by the web of relationships that binds the Department to other systems of governance and oversight—the courts, the media, and the local, state, and federal governments.

The consent decree represents a challenge and an opportunity for the Commission. Had the Commission been performing as an effective corporate board, it is unlikely that the U.S. Department of Justice could have intervened as it did. In that sense, the consent decree is a challenge to the Commission to step up and govern the Department more effectively. At the same time, the consent decree has provided the Commission with an opportunity to focus consistently on a few key issues: strengthening its review of uses of force and generally raising its prominence in debates about police-community relations.

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<sup>21</sup> The office of Executive Director organizes the meetings of the Commission and also manages labor and employment matters, issues permits, facilitates community policing activities, handles public information, and conducts reviews and research on change in policies and procedures in the profession of policing.

The Commission appoints the Inspector General, whose office audits, investigates, and oversees the handling of complaints of misconduct by Department employees, and conducts other investigations as directed by the Board. The Office of Inspector General was established only four years before the consent decree came into force on the recommendation of the Christopher Commission.

The Consent Decree formalized a particular role for the Inspector General in the oversight of the LAPD's use of force, requiring the Inspector General to review every instance of the use of categorical force, witness the Department's own investigation of each incident, offer an independent evaluation of the Department's findings, and make recommendations about how the Department might improve practices.<sup>22</sup> The Commission issues a final ruling on each individual incident of the use of categorical force as well as an annual report on these decisions, but it relies on the Inspector General for the information that shapes its findings.<sup>23</sup>

We observed both the public and private work of the Police Commission and Inspector General, including their interactions with the LAPD's command staff. We conducted a series of interviews with members of the Commission and its executive director, as well as the Inspector General and an assistant inspector general about their investigations. We witnessed the workings of the LAPD's internal Use-of-Force Review Boards at which a representative of the Inspector General is always present and may ask questions but not vote. Finally, we received wide access to data and reports maintained by the Office of the Inspector General.

We examined the changing roles played by the Commission and the Inspector General by focusing on two high-priority, controversial issues: the use of force and racial profiling. The response of these governing bodies to high-profile events, such as the policing of the May Day demonstrations in MacArthur Park in 2007, are important, but these have been extensively reviewed by others, so we focus here on more routine functions of governance. Before turning to these specific topics, however, we describe the general performance of the Commission and the Inspector General.

Our interviews revealed growing respect for the Commission under the consent decree. Several people described the Commission's current membership as "the strongest in a long time," or words to that effect. We heard frequent references to its elevated "status" and its greater "authority." In our observations, the Commission was able to challenge the LAPD leadership on questions of policy and performance, and to require greater attention to issues the Commission deemed essential to public confidence.

Structurally, the governance of the LAPD depends on a small number of unpaid Commissioners to devote at least half of their working hours to a delicate political, technical, and professional enterprise that is often in the midst of public controversy. It is

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<sup>22</sup> The Inspector General is also required to audit and review a sample of the Department's own investigations of the use of non-categorical force.

<sup>23</sup> Each year since 2003, the Office of the Inspector General has published an annual report on the use of categorical and non-categorical force as well as audits of the Department's own use of force investigations. For a recent example, see [www.lacity.org/oig/Reports/2006\\_CUOF\\_Annual\\_Rprt\\_11-29-07.pdf](http://www.lacity.org/oig/Reports/2006_CUOF_Annual_Rprt_11-29-07.pdf)

not surprising, therefore, that our interviews also uncovered criticism of the Commission, mostly for its lack of strategic focus. One person complained about its “wandering agenda.” A senior LAPD officer observed “it seems as if nothing gets finalized,” adding that “the Commission isn’t good at identifying priorities, and is distracted by newspaper headlines.”

The current Inspector General, André Birotte, has held the post since 2003, following Katherine Mader (1996-1998) and Jeffrey Eglash (1998-2003). Until the consent decree came into force, the Inspector General’s office was tolerated, but barely so, by the LAPD. Disagreements over the authority of the office led the first Inspector General to resign, and the second Inspector General faced similar difficulties, despite changes to the city charter in 2001 that gave the Inspector General subpoena power and the ability to investigate relevant matters without specific authorization.<sup>24</sup> The Police Commission has the power to order the Inspector General to terminate an investigation, but it has never used this power formally.

The role of the office has changed considerably since Birotte took up the post. A senior officer of the LAPD confirmed for us what seemed apparent in our own observations: the Inspector General today has adopted a less “adversarial” approach and the Department has, in turn, given him greater access than his predecessors enjoyed. Significantly, the Inspector General has codified this new access in “work rules” that should allow the good practice to be continued beyond his own term of office and that of Chief Bratton.

In our interviews, one senior officer said that the Office of the Inspector General had “earned respect” in the Department, and had competently conducted audits and reviews of Department investigations. “We need them,” said one officer, describing the Office of the Inspector General’s review of the complaints process. “They’re in the business of criticism, and we’re not perfect.” At the same time, several officers we interviewed believe that the Inspector General’s office has become bogged down in details of police operations: “Their role is oversight, not coaching,” said one officer. “They should be doing more than remind us to wear our vests,” he added. Another officer said: “I guess they’ve been taught to microscopize everything they see, but instead of getting a conversation about what activities comprise quality in policing, we hear about widgets.”

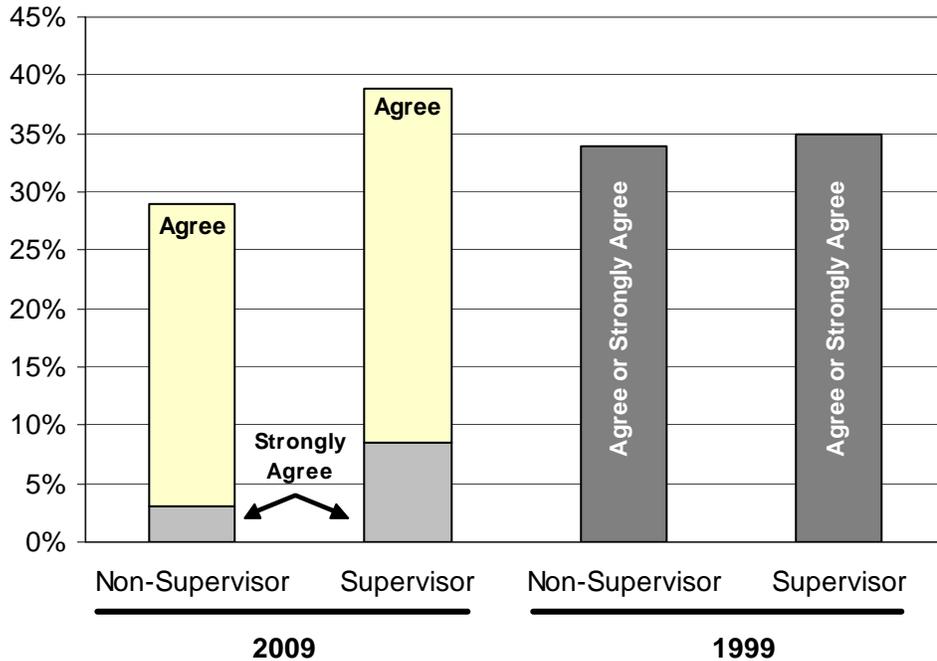
These comments come from headquarters personnel who deal routinely with the Office of the Inspector General, but most members of the LAPD do not have strong views about the Inspector General. Indeed, perceptions of the Inspector General across the Department have not changed much since the year before the consent decree was signed. A 1999 survey of LAPD officers found that only about a third of non-supervisors and a third of supervisors believed that the Inspector General added integrity to “the Department’s disciplinary system.” When we asked that same question in 2009, we received roughly similar responses, a little lower among non-supervisors and slightly higher among supervisors, as shown in Figure 36. But relatively few of those we surveyed had strong views on the subject, and a large fraction—more than a quarter of

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<sup>24</sup> James Sterngold, “A Monitor of Los Angeles Police Seeks to Build Power” in *The New York Times*, June 6, 2001, page A18.

our respondents—did not answer this question at all, suggesting that the Inspector General does not figure prominently in the image of the Department held by a large fraction of sworn officers.

*Figure 36. LAPD Sworn Officers Who Agree that the Inspector General Gives the Disciplinary System Greater Integrity, 1999 and 2009*



Source: Harvard Kennedy School Program in Criminal Justice Policy & Management (2009); Wellford Wilms (1999)

Mixed impressions of governance and oversight structures in a police organization should be expected, especially from individuals and units that are being supervised. But it is important to appreciate their ambiguity. The frustrations of police officers with oversight could be a warning of outside interference and unproductive oversight, but the same frustrations might be a sign of a fresh influence on an organization that had previously considered itself impervious. Likewise, the allegations of excessively “fastidious” reviews of police work-products might be signs of redundant systems of quality control, but they could also be proof of the continuing need for painstaking oversight.<sup>25</sup>

The comments made in our interviews raise important questions about the role and resilience of the work of the Commission and Inspector General in the direction and oversight of policing. “The Commission today appears strong,” said one senior officer,

<sup>25</sup> One of the tasks of the Office of the Inspector General is to review the quality and completeness of the work of the Department’s own internal governance operations, such as the inspections and audits of the Audit Division, which are themselves exhaustive and inquire into such apparently minor issues as whether or not notifications of CUOF incidents are actually received or recorded on an answering machine or BlackBerry.

“but how do we know it’s the organization and not the individual members that are strong?” Another officer asked: “Are the changes in the Department reversible? The previous chief undid many things, and the one before him scrapped a lot of good practices, too. Does that mean it all could change quickly with a new chief, or once the decree is over?” Coming from the present and future leaders of the Department, these questions command attention.

One test of the quality and resilience of governance would assess the dynamic character of the relationships within the LAPD. Governance and oversight of the LAPD is so multilayered that it is difficult to discern, isolate, and measure the independent contribution of any one body.<sup>26</sup> The effects of the Commission and Inspector General might better be detected in the character of the interactions and processes that connect the various bodies of governance. Another test would examine whether the volume and gravity of misconduct or complaints and the use of force are going up or down in response to the exercise of governance and oversight. When the Commission or IG find the use of force out of policy or recommend changes to the way complaints are handled, how does the Department respond? When they find lapses or honest mistakes that do not rise to the level of misconduct, does the Department embrace their findings? When they concur or even commend the Department for excellent work, does it matter?

In the section that follows, we focus on the role of the Commission and Office of the Inspector General in two discreet areas: (1) assessing its response to complaints, including complaints of racial profiling, and (2) overseeing the Department’s use of force. Uses of force and complaints of racial profiling are uncommon events in the lives of individual police officers, but they have earned a lot of attention in the press and in the weekly meetings of the Commission, and triggered a lot of activity and change within the Department’s own governance routines.

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<sup>26</sup> Take the example of complaints: the Internal Affairs Group, part of the Professional Standards Bureau, not only receives, classifies, and assigns all complaints for investigation, but also conducts occasional tests of the integrity of the system, filing anonymous complaints and tracking their resolution. The Research and Evaluation unit performs quality assurance tests, assessing the completeness of investigations, ferreting out boiler-plate language in witness statements, and drafting letters to complainants that explain the outcomes of the investigations. The Audit Division reviews this performance, searching for inconsistencies and errors in the entire process. Finally, the complaints section of the Inspector General’s office scrutinizes these audits, examines a sample of the complaints, and publishes a review of the quarterly and annual reports, the data for which comes from the Teams II Development Bureau.

## Handling Civilian Complaints

The receipt, investigation, and review of civilian complaints are the joint responsibility of the Inspector General, Police Commission, and Police Department, all of which can independently act on allegations of misconduct. In practice, most of the work managing these complaints falls to the Department's Internal Affairs Group (IAG), which investigates a small portion of all complaints and monitors the investigation and disposition of the majority, which are handled by supervisors in the 19 area divisions.<sup>27</sup>

The overwhelming majority of complaints originate with the public as a result of some type of contact with police officers. Officers refer to these complaints as "1.28s" for the number of the form which they are required to provide citizens who wish to file a complaint. Each year since 2000, between 70 and 75 percent of all complaints recorded by the LAPD came from members of the public. The remainder involves allegations of police misconduct that are made by other police officers, with most common allegations being "neglect of duty" and "unbecoming conduct," about 16 and 11 percent of which, respectively, are sustained during a police investigation.<sup>28</sup>

The most common allegation in civilian complaints is that officers were discourteous. Between January 1998 and October 2008, residents filed complaints involving more than 17,000 allegations of discourtesy – roughly 150 each month, or five each day. A small but steady proportion of these allegations are sustained in the course of police investigations. For example, of the 2,368 complaints the LAPD closed in 2008 that involved an allegation of discourtesy, 39 (1.6%) were sustained. Allegations of discourtesy made by the "person involved" or a "third-party" are sustained less frequently than allegations of discourtesy made by uninvolved members of the public, suggesting that the LAPD attaches great importance to these kinds of complaints.<sup>29</sup>

The majority of LAPD police officers continue to have negative perceptions about the complaints process. As Figure 37 shows, nearly 85 percent of officers responding to our survey in March 2009 agreed or strongly agreed with the statement "most civilian complaints are frivolous," and less than 40 percent believe the investigation of civilian complaints is fair. Only 37 percent agreed or strongly agreed that the complaint system makes the Department more accountable to the public. A few officers we spoke with thought the easy accessibility of the complaints process was an asset to the Department, but negative perceptions are the norm, as the chart below shows. Most officers in the LAPD do not distinguish the complaints process from the discipline process.

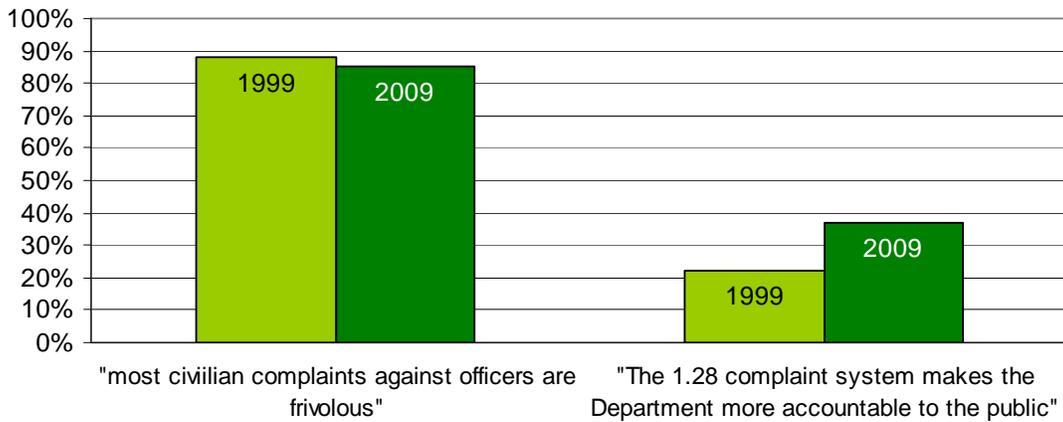
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<sup>27</sup> The IAG investigates allegations of misconduct mandated by the consent decree. In 2004, the IAG took direct responsibility for investigating less than 5 percent of all complaints. In the last four years, the IAG has directly investigated about 10 percent of all complaints.

<sup>28</sup> Some of the complaints in these cases are in fact generated by citizens, since in the course of investigating use of force incidents the LAPD sometimes opens a complaint form based on interviews of witnesses and participants who allege excessive force or verbal mistreatment and other misconduct.

<sup>29</sup> In 2008, the LAPD sustained 3 percent of all complaints that came from the "person involved" in an incident, and 3 percent of complaints from "third parties," but 26 percent of the complaints that came from other members of the public.

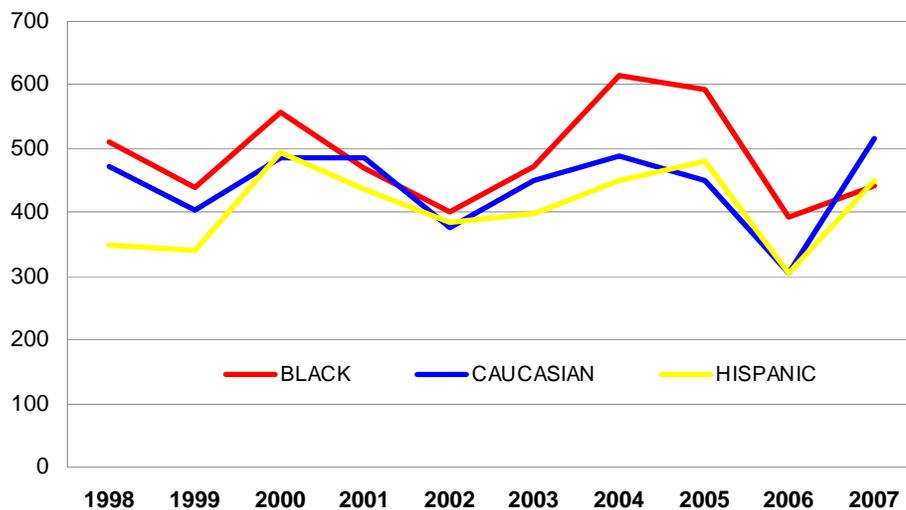
Figure 37. LAPD Sworn Officers Agreement with Certain Statements, 1999 and 2009



Source: Harvard Kennedy School Program in Criminal Justice Policy & Management (2009); Wellford Wilms (1999)

Black residents have filed a slightly larger number of complaints of discourtesy than White or Hispanic residents, even though they comprise a smaller proportion of suspects stopped by the police. In 2008, Blacks filed 31 percent of all allegations of discourtesy and yet constituted 23 percent of all individuals stopped by the LAPD. Figure 38 depicts trends in discourtesy complaints over time, which remain relatively steady, with annual variations, despite substantial increases in enforcement activity during these years.

Figure 38. Civilian Complaints Received by the LAPD Alleging Discourtesy, 1998 to 2007



Source: LAPD

The Police Commission regularly reviews the Department's "quarterly discipline reports," which contain an array of figures on the volume and types of these complaints as well as their disposition but do not by themselves communicate an opinion about recent trends and progress toward Department goals.<sup>30</sup> It falls to the Commission to make these judgments and the Commission often invites the Inspector General to select topics or concerns for further investigation. Because of the large volume of complaints, however, the Inspector General's review is often limited to assessing the accuracy and completeness of statements collected and summarized by investigators, focusing on complaints that are investigated by the Department's Internal Affairs Group, the so-called "level two" or more serious complaints.<sup>31</sup>

### *Racial Profiling*

In recent years, the LAPD has paid particular attention to the management of complaints of racial profiling. Among many reasons for this special attention is that the Commission has insisted that the Department review the process by which it investigates allegations of racial profiling.

In May 2007, the Department introduced a new set of protocols for handling allegations of racial profiling that required the Professional Standards Bureau to conduct an initial review of all such complaints and that the IAG conduct the investigation centrally. It also required that investigators take additional steps to document an officer's actions when they were not triggered by a call for service. The introduction of these protocols stemmed in part from the fact that, in January 2007, the Commission had received that a review by the Inspector General that expressed "some concern regarding the penalty imposed upon a supervisor accused of failing to take appropriate action when a subordinate made ethnic remarks," and observed that none of the 85 allegations of racial profiling that quarter had been sustained. None of the 116 allegations of wrong searches that quarter had been sustained either, but the null finding on racial profiling stood out.

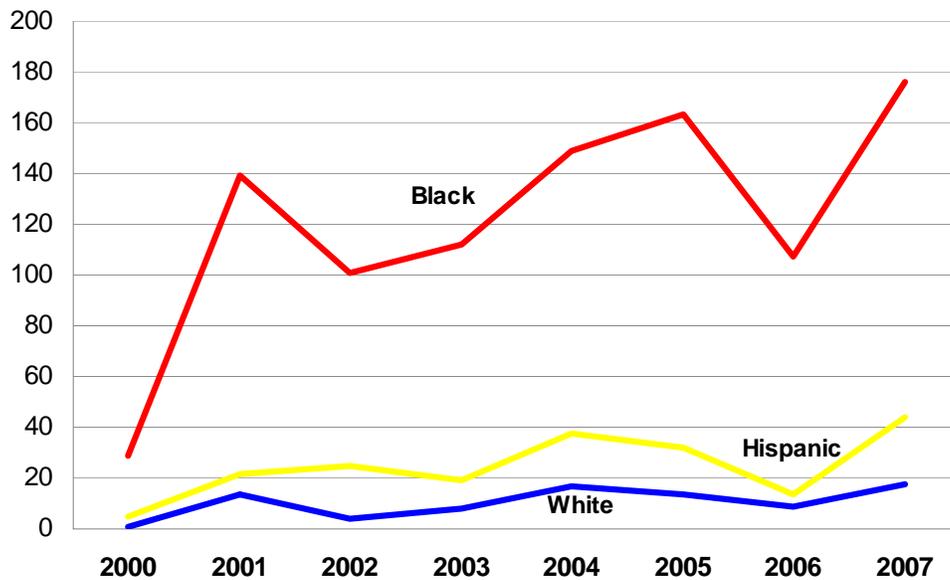
As Figure 39 illustrates, the number of allegations of racial profiling had generally increased since 2002, although there was a pronounced decrease in 2006. The following year, the number of these complaints surged to an all time high.

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<sup>30</sup> The "QDRs" could function as a barometer for understanding change in the public experience of policing as they do in other cities as well as guide and facilitate the Commission's oversight. For an example of a report on civilian complaints of misconduct that analyzes trends over time by the social status and racial identity of complainants, see the Annual Report of the New York City Civilian Complaint Review Board, <http://www.nyc.gov/html/ccrb/home.html>

<sup>31</sup> Each year, the Office of the Inspector General selects one aspect of complaints process for special consideration. A recent review, for example, focused on the investigation of complaints adjudicated as "Not Resolved." These reviews help identify concerns that the Commission raises with the leadership of the Department.

Figure 39. Civilian Complaints Received by the LAPD Alleging Racial Profiling, 2000 to 2007



Source: LAPD

Eager to know the impact of the protocols, the Commission in October 2007 directed the Inspector General to audit and review a sample of complaints involving allegations of racial profiling. The review, which was completed in February 2008, found shortcomings in five of the six complaints of racial profiling whose investigation had been initiated and closed between May and October 2007. Teams II data showed that none of the Department's investigations into 320 allegations culminated in a sustained finding of racial profiling. In April 2008, the Commission met to discuss with the Department the findings from these reviews.

At the Commission meeting one board member expressed consternation that the Department's investigations into racial profiling produced a "big fat zero." Representatives of the Department explained that they did not sustain any allegations because it was impossible through ordinary investigations to know the "state of mind" of its officers at the time of a stop.<sup>32</sup> The meeting concluded with the Commission requesting the Executive Director to work with the Department's Internal Affairs Group, which investigates all such allegations, on a study of the investigation and adjudication of similar complaints in other jurisdictions. Simultaneously, the Department contracted with an academic expert to reexamine its training processes.

The Commission returned to the subject of the investigation of complaints of racial profiling again in October 2008, with board members reiterating their commitment to

<sup>32</sup> See for example, Joel Rubin, "320 complaints of racial profiling and not one had merit, LAPD says," *Los Angeles Times*, April 30, 2008.

sustaining the credibility and integrity of the complaints investigation system, which one commissioner had called “the most fulsome in the country.” The head of the Professional Standards Bureau acknowledged shortcomings in the new methods and documentation of some of the allegations of racial profiling before the Commission, and proposed a different remedy structure for the investigation of such complaints in the future, including an alternative dispute resolution mechanism. Citing data contained in Teams II, the head of the Internal Affairs Group noticed that that some portion of the allegations of racial profiling were actually about discourteous treatment, a finding which could be used to adjust the classification system and thus also open a new avenue for responding to citizen concerns. As the head of the Internal Affairs Group said at the Commission meeting in October 2008, “we’ve got a community that feels it’s not being treated well, and we have to do something about it.”

The way the Department handles allegations of racial profiling continues to evolve. The Professional Standards Bureau is testing out the new system of dispute resolution for citizens that complain of racial profiling, and in December 2009 introduced further enhancements to the protocol for investigating allegations of “biased policing.” The Department has installed videos in police cars in the South Bureau order to more accurately record the nature of police-public encounters, and the devices should be operational soon. In March 2009, the Commission approved the Department’s new policy prohibiting racial profiling.

The Department has assumed leadership of this issue, and yet it is important to recognize how the intervention of the Commission and the Inspector General helped the Department set out on this path, reinforcing its efforts to build better systems of integrity and public confidence. By scrutinizing data on complaints process, the Commission uncovered a worrisome trend in Department practices. By insisting on a review of practices in other jurisdictions, the Department examined its protocols from a fresh perspective and considered solutions that were tested in other cities and Departments. And by doing so, the Commission strengthened the commitment of the Department to transparency and respect in community relations. As the Assistant Chief of Police put it at the conclusion of the meeting of the Commission, “we’ve got to do more to ensure we provide the most respectful policing we’re capable of.”

### **Use of Force**

No problem of police management and governance is of greater concern than the use of force by police. As recently as 2000, the LAPD’s internal Board of Inquiry examined the possibility that LAPD officers were concealing instances of the use of force, a problem discovered during the Rampart scandal. It investigated whether or not supervisors and commanders in that division were still permitting such concealment as part of an earnest effort to fight gang crime. The Department’s report found that, “unfortunately, ...this pattern has occurred within Rampart once again.”<sup>33</sup>

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<sup>33</sup> See “Board of Inquiry into the Rampart Area Corruption Incident,” March 2000, p. 56.

With the implementation of the Consent Decree, the Department redoubled its efforts to document and critically evaluate every incident of the use of force. The Department first converted the Critical Incident Investigation Division into the Force Investigation Division, whose work, all our interviewees said, was “vastly superior” to the investigations completed in the past. The Department also reorganized the meetings of the Use of Force Review Board, which now analytically reviews each shooting, listens to a recommendation from the supervising captain, and then issues a ruling on the appropriateness of the tactics and use of force. Each incident of the use of categorical force is then reexamined carefully by the Commission in a closed session, drawing on a briefing and independent analysis of the facts prepared by the Office of the Inspector General.

The Office of the Inspector General plays a special role in the governance of the use of force, shadowing investigators at the scene of critical incidents, conducting real-time reviews of the work of Force Investigation Division (FID), and later summarizing exhaustively the quality and outcomes of investigations in its annual reports.<sup>34</sup> We cannot say whether or not the Inspector General’s efforts have had a direct effect, but the FID investigations do seem to be improving. In 2005 and 2006, the Office of the Inspector General identified shortcomings in nearly two-thirds of all investigations of alleged excessive force. In 2007, the Office of the Inspector General found shortcomings in less than half of the cases it sampled. As one person within the Office of the Inspector General told us, there have been “huge” improvements in the quality of the investigations completed by FID over this time.

Disagreements between the Inspector General and the Chief of Police are rare, but when they occur the Commission seems influenced by the Inspector General. Between 2005 and 2008, there were 449 incidents involving the use of categorical force. In rare instances, the Department’s own investigation leads the Chief of Police to administratively disapprove of officers’ tactics, and in a smaller subset to find the use of force “out of policy.” In the vast majority of cases however, the Department approves the tactics and use of force, and the Inspector General almost always agrees. In only ten instances between 2005 and 2008, did we find the cases where the Office of the Inspector General recommended a finding substantially different from that of the Chief. In each of these ten instances, the Commission adopted the position of the Inspector General in its final ruling, and these were the only instances of which we know where the Board of Police Commissioners adopted a finding contrary to the recommendation of the Chief of Police.

The Department has made its own efforts to improve training and incorporate the findings and decisions of oversight organs into its routines. We found many examples of scrupulous investigations of individual incidents that raised questions about tactics that may have led to the use of deadly force. For example, the Use of Force Review Boards

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<sup>34</sup> Only some of these findings are contained in the Inspector General’s Annual Report Regarding the Use of Categorical Force. The Office of the Inspector General also publishes findings in its reviews of the Departments “Quarterly Discipline Report” and “Categorical Use of Force Investigations Audit.” See [www.lacity.org/oig/isgrp1.htm](http://www.lacity.org/oig/isgrp1.htm)

have found numerous instances in which officers in plain clothes had engaged suspects without identifying themselves, without notifying supervisors of their locations, and without following various other standard procedures.<sup>35</sup> The Use of Force Review Division has reminded personnel of such shortcomings in its newsletter, and communicated concerns about the “loose supervision” of officers in the narcotics division in connection with multiple incidents of so-called “waist-band shootings” involving plain-clothes officers. This combination of thorough investigation, tactical debriefing, adjustments to training, and reminders in the newsletter is intended to keep such uses of force to the minimum necessary, and the efforts of the Department, the Inspector General, and the Police Commission together certainly appear to have produced more careful reviews of the use of force in individual cases. The analysis of trends in the use of force seems less developed.

### **The Quality of Governance**

Good governance aligns internal management and leadership with external oversight and direction. In the case of the LAPD, the Commission and Inspector General exert their influence largely by strengthening internal processes of accountability and management, though the Department also cultivates innovation in government and key management processes on its own. Without the prodding of the Inspector General or any specific direction by the Commission, for example, the Department improved the complaints process above and beyond the requirements of the Consent Decree. In 2006 and 2007, staff in the Teams II Development Bureau created a special intake template and training module for officers in the area divisions in order to facilitate and streamline the process of opening and completing an investigation. In 2008, Teams II staff designed a prototype dashboard by which to chart change in the character and resolution of complaints across the organization over time. If the dashboard is implemented, command staff will be able to compare trends in the types of complaints filed and sustained over the diverse units that comprise the LAPD, and thus be in a position to detect emerging patterns of problems or successes before an alarm sounds or calls for change come from outside agencies.

There are other signs of innovation in governance that may well be below or beyond the radar of the Commission and Inspector General. The Use of Force Review Division, for example, is developing new ways of disseminating information about troubling patterns in tactics as well as insights about how to better train officers in use of force situations. The Tac-Ops newsletter is becoming a rich source of information for officers in the LAPD and other agencies as well, and staff members in the Use of Force Review Division actively push out the information through email blasts and other reminders. Some of the insights and innovations are the result of interactions with the Inspector

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<sup>35</sup> The Use of Force Review Boards typically generate careful reviews of the practices that lead up to a categorical use of force incident, and we were impressed by the seriousness of those we observed. For example, in one of review we observed, the captain who supervised the officers involved in a shooting candidly raised critical questions about the situation, asking why these particular officers were in plain clothes in light of the limited experience and training, why they seemed poorly equipped for the traffic stop they made, and why they seemed not to have identified themselves as police officers. It is a sign of integrity in the Review Boards that these kinds of questions can be explicitly discussed.

General, but others are the product of the staff's own ingenuity and desire to lead the Department and profession.

What does this tell us about the quality of external governance today?

In our estimation, the Office of Inspector General has come a long way since it was first created in 1996. The first two occupants of the position of Inspector General left frustrated by the difficulties of obtaining information and cooperation from the Department and without finding an effective voice in the governance system. Since the consent decree, however, the Department and the Inspector General have gradually strengthened cooperation to the point where it is now noticed by rank and file members of the Department and appreciated by others. The Office of the Inspector General now has standing to speak at the Use of Force Review Boards and its opinions are generally respected by members of both the Force Investigation Division and Use of Force Review Division.

Our reviews of the reports prepared by the Office of the Inspector General for the commission reinforce the impression of good cooperation and the high quality of its products. The Inspector General's reports on the use of force in particular find lapses in Department investigations, identify areas for improvements, and make reasonable recommendations for how the Commission can encourage better officer training and learning from the review of use of force incidents.<sup>36</sup> These reports are taken seriously by the Department, which now requests copies before Commission meetings and at times requests opportunities to discuss their findings. The Inspector General, in short, has chosen to influence Department practices through a steady but gradual process, avoiding public criticism and relying on the sound quality of its work. While it has rarely used the authority to initiate an investigation or audit without prior authorization of the Board, each year, the Inspector General addresses at least one issue that is unrelated to the consent decree, slowly expanding its role in the governance of the Department.

There are limits here. The adoption of the Inspector General's recommendations and advice is optional and its formal powers are modest. The Inspector General cannot recommend an out of policy finding in the use of force unless the practice *substantially* deviates from policy, and that standard is, as one person put it, "fuzzy." The Inspector General also does not consistently check up on the implementation of recommendations made by the Commission. There is also little capacity with which the Inspector General can assess the long-term impact of its decisions and recommendations on Department practices, a limitation that is lamented by staff as well as some members of the Commission. In the present arrangement, in short, the Office of the Inspector General plays as much an auxiliary role as an oversight role and it is heavily dependant on the Commission. As one member of the Office of the Inspector General put it: "We have influence on the Department only in so far as the Commission has power."

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<sup>36</sup> These products are used by outside agencies to learn about the Department and engage the Commission in a conversation about progress in the LAPD. See, for example, the letter from the Southern California chapter of the ACLU to the Board of Commissioners, dated March 3, 2008 (on file with Executive Director of the Commission).

The Commission, too, has evolved and improved substantially since 2000. Every observer of the Commission noted its growing strength and competence as well as its ability to question a prominent and renowned chief of police.

Still, everyone we interviewed about the Commission had their lists of how the Commission could improve. As with Police Department itself, there is more to be done in the Commission's development. Three features of the Commission's role recur repeatedly in areas identified for improvement.

First, except for the yard posts established by the consent decree, which it regularly reviews, the Commission has no measures or indicators of its own by which to evaluate progress in policing over time. An explicit discussion about the goals of policing in Los Angeles and measures against which the Commission might count progress might be helpful as the Commission moves beyond the era of the consent decree.

Second, the Commission does not appear to have a clear way to group issues that come up for consideration. "If you look at the agenda," one senior officer told us, "you'll see that 95 percent of the topics on the agenda concern a single incident." Commissioners are attentive to this problem, too, apparently, and have begun asking questions about the mixture of reactive and directive roles it should play in governing the Department. "We need to strike the right balance between letting the chief create an agenda, on the one hand, and telling him what he needs to address on the other," said one board member. "We are looking into long-term planning," said another.

Third, the Commission does not yet possess independent sources of routine information about Department practices. The Inspector General's office does not conduct independent or parallel investigations, but rather exhaustively reviews the information unearthed in the course of the Department's internal reviews. As a result, Commission members sometimes rely on press reports and other sources of information by which to assess the completeness and accuracy of Department reports. There is no standard way of filling this need, but this hard working, unpaid board is probably at the limit of what can do with its current sources of information. At least one senior official we spoke with suggested that the Department would probably benefit from a "genuine civilian oversight commission."

## **Concluding Observations**

Stepping back from the dozens of specific provisions of the LAPD consent decree that have been implemented, we see a staggering scale of change. The LAPD is the largest and most complicated police agency ever subjected to the oversight of a Federal Court under the 1994 law giving the Justice Department authority to bring pattern-and-practice cases against states and municipal governments; and the consent decree in LA is among the most complex ever entered by a police department. If local governments and police departments elsewhere are ever going to consent to such reform programs in the future, they will need to know that success is possible. The changes in Los Angeles should be encouraging in that respect.

The consent decree alone does not explain the changes in the LAPD. Indeed, it is unlikely that a consent decree can ever make these kinds of improvements without strong and effective leadership. At best, federal oversight and a consent decree can keep shortcomings in view, but only police leadership and strong local governance can bring the changes that the parties to such litigation agree they want to see.

The evidence presented here shows that with both strong police leadership and strong police oversight, cities can enjoy both respectful and effective policing. We have seen that the officers of the LAPD have regained their commitment to the institution: attrition is down and was down even while the economy was booming. On a variety of survey questions, officers signaled their renewed satisfaction on the job. And residents, too, are highly satisfied.

The LAPD of today is a changed organization. Within Los Angeles, community engagement and partnership is part of the mainstream culture of the Department. Not everyone embraces it, and not everyone practices it, but the commanders we observed take relationships with communities seriously as an essential part of their work. The precise forms that accountability takes remain subjects of intense debate, but the fact of accountability has entered the lifeblood of the organization. Even on the most sensitive issue of the use of force, officers of the LAPD are willing to act when necessary, but the Department scrutinizes each use of force closely and is accountable through many devices for its proper use.

Time and again we heard police officers and community residents pose the question: will the improvements persist if the consent decree ends? Research cannot answer such a prospective question, but in our opinion the officers and residents with whom we spoke seem ready for that test. It is not that policing in Los Angeles is all that it can ever be, but the balance of local leadership and local oversight is healthy enough to carry the process of continuous improvement forward.