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U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 2000

U.S. v. City of Los Angeles



PN-CA-002-001

James K. Hahn, Esquire
City Attorney
City of Los Angeles
1800 City Hall
Los Angeles, CA 90012

Dear Mr. Hahn:

As you are aware, the Department of Justice's Civil Rights Division has been conducting a civil investigation of allegations of police misconduct involving the Los Angeles Police Department ("LAPD"). As a result of our investigation, we have determined that the LAPD is engaging in a pattern or practice of excessive force, false arrests, and unreasonable searches and seizures in violation of the Fourth and Fourteenth Amendments to the Constitution. Accordingly, I have authorized the filing of a civil suit in United States District Court, pursuant to 42 U.S.C. § 14141, to obtain injunctive and declaratory relief to eliminate the pattern or practice of misconduct. We would be willing to defer filing suit, however, if City officials are interested in negotiating a voluntary settlement in the form of a consent decree to be filed with our civil complaint.

At the same time, this Department's investigations to determine whether particular LAPD officers committed prosecutable federal criminal offenses will continue. The decisions whether to prosecute will be made based upon the facts of each individual case.

Our civil investigation has included a variety of actions. We have reviewed LAPD policy statements; reports on officer-involved shootings and incidents in which non-lethal force was used; misconduct complaint files in which serious misconduct was alleged; information on civil suits filed against the LAPD and its officers; information on criminal charges filed against LAPD officers; information relating to police training; and reports and memoranda prepared by the LAPD, the Board of Police Commissioners ("Police Commission"), and the Inspector General that discuss or analyze reform initiatives. We have met with LAPD leaders and Police Commission members on several occasions,

and have met with LAPD managers and supervisors responsible for such matters as internal investigations, reviews of officer-involved shootings, and training. The Department also has sought to assist the LAPD in addressing potential officer misconduct by providing funds to develop a comprehensive, computerized risk management system.

We have found that the LAPD's pattern or practice of police misconduct includes: the unconstitutional use of force by LAPD officers, including improper officer-involved shootings; improper seizures of persons, including making police stops not based on reasonable suspicion and making arrests without probable cause; seizures of property not based on probable cause; and improper searches of persons and property with insufficient cause. Although we have concluded that these types of misconduct occur on a regular basis in the LAPD, we believe that the majority of officers are ethical, hardworking, and responsible individuals, who have not, themselves, violated the constitutional rights of the persons they serve and protect.

Serious deficiencies in City and LAPD policies and procedures for training, supervising, and investigating and disciplining police officers foster and perpetuate officer misconduct. First, LAPD supervisors fail to supervise adequately LAPD officers carrying out their routine policing responsibilities. Supervisors do not, to the extent necessary, direct, evaluate, and monitor officer performance in the field. Supervisors fail to respond to the scene of significant incidents; fail to adequately review reports, including arrest and booking reports; fail to ensure the integrity of applications for warrants and the use of confidential informants; and fail to ensure the appropriate treatment of persons in police custody. Many supervisors do not have the training necessary to perform their supervisory responsibilities and correct deficiencies. This failure in direct supervision has created an environment where officers may engage in misconduct without detection and intervention by LAPD supervisors.

The LAPD also has failed to supervise officers properly by failing to identify and respond to patterns of at-risk officer behavior. Specifically, the LAPD has failed to implement a comprehensive risk-management system to identify patterns of at-risk conduct by individual officers and groups of officers, such as patterns of uses of force, injury to citizens, and citizen complaints. One important component of a risk management system is an appropriate "early warning" system. As the Police Commission acknowledged several years ago, the LAPD's current "early warning" system, the Training, Evaluation, and Management System ("TEAMS"), is inadequate. Despite this recognition, however, the LAPD has failed to make progress in developing an adequate "early warning" system. Indeed, it has not even

utilized the federal funds made available for this specific purpose. The LAPD also has failed to utilize properly other supervision and risk management tools, including meaningful personnel evaluations, regular and appropriate integrity audits of officers and units, integrity "sting" investigations, and assessments of officers' history and performance when undertaking actions such as promotions and sensitive assignments (e.g., assignments as field training officers or to specialized units).

In addition, the LAPD fails to respond properly to citizen complaints of officer misconduct in that it conducts inadequate investigations and adjudications of civilian complaints. Because they are unlikely to be discovered and disciplined, officers are not deterred from engaging in misconduct. Similarly, poorly trained officers are not identified for re-training or counseling. Together with the training and supervision deficiencies identified above, inadequate complaint investigations create an environment that allows police misconduct to occur.

Finally, we have concluded that the Police Commission and Inspector General do not have the resources needed to conduct meaningful oversight of the LAPD in a consistent, ongoing manner. Whether additional structural reforms also are needed is something that we are continuing to examine, and are interested in discussing with you if settlement negotiations are undertaken.

We note that other investigative bodies have made similar findings regarding LAPD misconduct and deficient management practices. Indeed, the LAPD has been aware, at least since the 1991 Report of the Independent Commission on the Los Angeles Police Department (the Christopher Commission Report), that its management practices were inadequate to appropriately identify and prevent misconduct by its officers. Such findings were echoed in the Police Commission's 1996 Special Counsel report, entitled Five Years Later, in various reports by the Police Commission's Inspector General, and most recently in the March 1, 2000 Public Report of the LAPD Board of Inquiry into the Rampart Area Corruption Incident ("BOI Report"). Still, the pattern or practice of police misconduct, and the LAPD's failure to adequately address it, continues.

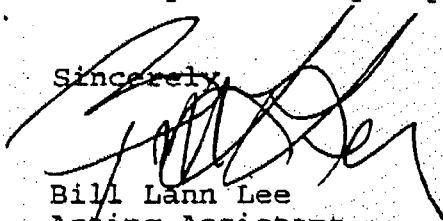
We acknowledge the ongoing efforts of the LAPD and the Police Commission to uncover the misconduct that occurred in the Rampart Area, and to identify management practices that allowed the misconduct to take place. We believe the BOI Report includes many important recommendations for reform, and we are encouraged by the commitment of the Police Commission and the Inspector General to thoroughly evaluate a broad range of issues related to and prompted by the BOI Report, including the LAPD's management practices. We believe, however, that federal action now is

required to eliminate the pattern or practice of police misconduct in the LAPD. The Department of Justice has extensive experience in developing and implementing systems to ensure officer integrity and accountability, and we have the ability to obtain a resolution that will be implemented promptly and fully. We will seek to use these resources to enhance and strengthen the City's efforts to address the pattern or practice of misconduct.

Finally, we note that during our investigation we received allegations of misconduct that, if substantiated, could violate other statutes in addition to 42 U.S.C. § 14141. These statutes include Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d(c). Such allegations concern whether the LAPD discriminates on the basis of race or national origin in its law enforcement activities. We have not yet reached any final determination with regard to these allegations.

We hope that we can work cooperatively to ensure that the appropriate reforms are developed and implemented promptly and effectively.

Sincerely,



Bill Lann Lee
Acting Assistant
Attorney General
Civil Rights Division

cc: Honorable Richard J. Riordan
Mayor, City of Los Angeles

Gerald L. Chaleff, Esquire
President, Los Angeles
Board of Police Commissioners

Mr. Bernard C. Parks
Chief, Los Angeles Police Department