

## INTRADEPARTMENTAL CORRESPONDENCE

April 9, 2021

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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** SAFE LA TASK FORCE UPDATE REPORT

### RECOMMENDED ACTION

That the Board of Police Commissioners REVIEW and APPROVE the SAFE LA TASK FORCE UPDATE REPORT.

### DISCUSSION

Between May 30, 2020, and June 10, 2020, the Los Angeles Police Department (Department) was mobilized in response to civil unrest that took place in the City of Los Angeles, after the arrest and death of Mr. George Floyd in Minneapolis, Minnesota.

On June 7, 2020, the Commanding Officer, Professional Standards Bureau (PSB), established the SAFE LA Task Force (Task Force) in an effort to respond efficiently and promptly to personnel complaints generated as a result of the Department's response to these incidents Citywide.

The primary responsibilities of the Task Force are to identify any personnel complaints initiated as a result of the Department's response to the civil unrest, track all complaints and consolidate and track any duplicate complaints, prioritize the order in which the investigations are conducted based on the severity of the allegations and determine which investigative team within the Task Force is responsible for each investigation. If the complaints involve allegations of force used, determine whether or not the allegations meet the criteria for a Categorical Use of Force (CUOF) investigation.

Professional Standards Bureau conducted intakes on 509 complaints specific to these incidents through various reporting methods such as: the PSB complaint e-mail address (167), various social media outlets (21), the PSB complaint hotline (119), Claims for Damages and Lawsuits (94), and in-person at a police station or in the field (12). The Office of the Inspector General (OIG) received 2,850 complaints specific to these incidents. Of the 2,850 complaints, 2,575 of them were copies of a form letter that was posted to social media where a complainant requested that people make copies and mail them in.

Due to the volume of complaints, the Task Force established a separate e-mail address, specifically for complaints related to the Department's response to the civil unrest. This information was disseminated to the public through the Department's Media Relations Division and the Department's official website. Two hundred and eleven complaints were received at this e-mail address. The sources of complaints based on the complaints initiated were public

complaints of involved parties, public complaints from third parties at scene, public complaints from third parties not at scene, Department-initiated, and Claims for Damages and lawsuits.

While many of the complaints received included multiple independent complainants due to highly publicized media footage, the total number of investigations verified by the Task Force after consolidation of the duplicates, was 210 complaint investigations. Of those 210 complaints, 73 were Use of Force (UOF) related, with six cases ultimately being identified as CUOF incidents.

## **COMPLAINT INVESTIGATIONS**

### **SAFE LA Task Force Criteria – Assignment of Investigations**

The Task Force has been assigned 109 of the 210 cases. A total of 93 cases have been assigned to non-Task Force PSB investigators, 5 cases have been assigned to the accused employee's Chain of Command (COC), and 3 cases, which involve the Chief of Police, have been assigned to OIG investigators. The Task Force utilized existing PSB criteria for assigning cases for investigation.

The Task Force assesses each complaint investigation at intake. It then determines which cases will be assigned and investigated by the Task Force, and which cases will be assigned and investigated by non-Task Force PSB investigators, the accused employee's COC, or OIG investigators.

The Task Force was assigned cases that involved more serious allegations of misconduct, including but not limited to unauthorized force, detention violations, unauthorized tactics, and biased policing. The Task Force also was assigned to investigate high-profile cases that have attracted media attention, cases involving command staff, and any other cases at the direction of the Department.

Cases that involve less serious allegations of misconduct, including but not limited to discourtesy, improper remarks, neglect of duty and unbecoming conduct are assigned to non-Task Force PSB investigators and in six instances, COC investigators.

The allegation types listed in the following tables are all preliminary allegations. The framing of the allegations may change throughout the investigation and additional allegations may follow as the investigation unfolds. The exact allegation types are formed in the final stages of each complaint investigation. These preliminary allegation types are based on the complainant's statements at intake, in addition to any allegations framed by the Department as a result of the investigation itself.

Once the Task Force cases are formally closed out in the Complaint Management System (CMS), an updated and more accurate number of allegation types will be readily available. The number of preliminary allegation types can only be estimated based solely from information received at the time of the complaint intake. As the cases are investigated, reviewed, and closed out, the number of allegations is subject to change and the final total number of allegations will not be available until all cases have been completed and closed out.

### Adjudication Process

In an effort to promote consistency and accountability, PSB established and appointed two Adjudication Teams for the Task Force complaint investigations. Each team consists of one commander and two captains. If the accused employees are “unknown,” the cases are sent directly to PSB for close-out. If the officers are identified, the employee’s command is notified, and the employee is served with the Complaint Adjudication Form.

If a complaint is sustained, each team is responsible for notification of the allegation type(s) and recommendation to the involved employee’s command. All cases are then sent to PSB for final review and close-out. The final review by PSB may include concurrence and approval with recommended adjudication classifications, military endorsement of recommended adjudication classifications, or a request for additional or supplemental investigations.

The OIG has full access to these investigations and has been monitoring both the investigations and the adjudications. If the OIG identifies the need for additional investigation, that is completed prior to the adjudication of the case. The Task Force also provides the OIG with the disposition of each case as they are adjudicated.

After the close-out of each complaint investigation, a reply letter is mailed to each identified complainant with the disposition of their allegation(s) and whom they may contact if they have any further questions or concerns.

### Preliminary Type of Allegations and Numbers of Allegations

The number of these preliminary type of allegations and numbers of allegations for the SAFE LA investigations are as follows:

Type of Allegation	Total Number of Allegations	Percentage of All Allegations
Unauthorized Force	228	34%
Neglect of Duty	98	15%
Other Policy/Rule	61	9%
BWV/DICVS Violation	64	10%
Discourtesy	49	7%
Detention Violation	83	12%
Unbecoming Conduct	42	6%
Unauthorized Tactics	23	3.5%
Biased Policing	14	2%
Search Violation	10	1.5%
<b>Total Number of Allegations (as of March 23, 2021)</b>	<b>672</b>	<b>100%</b>

To date, the Task Force has conducted 316 interviews and watched 4,003 BWV segments and 175 DICVS segments for a total of 4,349 hours of video. Investigators have conducted a total 8,719 investigative hours.

### **Cluster Locations and Media-Related Incidents**

There were 12 cluster location and/or media-related incidents that accounted for 154 of the complaints. The following is a brief synopsis of each cluster location and/or media-related incident:

- Curfew Transport – Between the dates of May 30 – June 10, 2020, there were various locations for curfew violations and transportation to field jails. Allegations include: Detention Violations, Search Violations, Unauthorized Force, Unauthorized Tactics, Neglect of Duty, Discourtesy, Other Policy/Rule, Body Worn Video (BWV)/Digital In-Car Video System (DICVS) Violations, Sexual Misconduct, and Unbecoming Conduct. There are 64 complainants that account for 58 complaint investigations related to this incident.
- Missing Property – Between the dates of May 30 – June 10, 2020, there were various locations where field jails were established. Allegations include: Neglect of Duty, BWV/DICVS Violations, Detention Violations, Unauthorized Force, Unbecoming Conduct, and Other Policy/Rule. There are 19 complainants that account for 17 complaint investigations related to these incidents.
- Kneeling – Between the dates of May 30 – June 10, 2020, officers were accused of kneeling at various locations while in uniform. Allegations include Other Policy/Rule. There are seven complainants that account for one complaint investigation related to these incidents.
- Vehicle vs. Pedestrian – On May 31, 2020, officers were involved in a traffic collision with a pedestrian. The traffic collision was investigated by Central Traffic Division. Allegations include: Unauthorized Force, Neglect of Duty and Unbecoming Conduct. There are ten complainants that account for one complaint investigation related to this incident.
- Metro/Fairfax – On May 31, 2020, officers responded to crowd control enforcement in the area. Allegations include: Unauthorized Force, Unbecoming Conduct, BWV/DICVS Violations, Discourtesy, Neglect of Duty, and Detention Violations. There are 66 complainants that account for 44 complaint investigations related to these incidents.
- Downtown Los Angeles (DTLA) – On June 1, 2020, officers responded to crowd control enforcement in the DTLA area. Allegations include: Unauthorized Force, Detention Violations, BWV/DICVS Violations, Discourtesy, Neglect of Duty, and Other Policy/Rule. There are 45 complainants that account for 23 complaint investigations related to these incidents.
- Biased Policing – Liquor Store – On June 1, 2020, officers responded to looting in the area of 7357 Van Nuys Boulevard. Allegations include: Detention Violations, BWV/DICVS Violations, Unauthorized Force, Unauthorized Tactics, Biased Policing, Unbecoming Conduct and Discourtesy. There are four complainants that account for three complaint investigations related to this incident.
- Hollywood Demonstration – On June 2, 2020, officers responded to crowd control enforcement in Hollywood Area. Allegations include: Unauthorized Force, Discourtesy, BWV/DICVS Violations, Detention Violations and Neglect of Duty. There are seven complainants that account for six complaint investigations related to these incidents.
- Wheelchair – On June 3, 2020, officers responded to crowd control enforcement in DTLA where a male in a wheelchair was possibly struck in the face, causing injury. Allegations include: Unauthorized Force and BWV/DICVS Violations. There are five complainants that make up for one complaint investigation related to this incident.

**Demographics of Accused Employees**

Out of the 210 complaints, 223 officers have been identified as accused employees. The below listed charts are a breakdown of all accused employees' rank, tenure with the Department at the time of the incident, Office/Bureau of assignment, race, age range and gender.

**Table 1**

Accused Employee Rank	Number of Accused Employees
Police Officer	173
Detective	16
Sergeant	19
Lieutenant	6
Captain	2
Commander and Above	7
Total	223

**Table 1** shows the accused employee's rank at the time of the incident.

**Table 2** displays the accused employee's Bureau of assignment at the time of the incident.

**Table 2**

Accused Officer Office/Bureau of Assignment	Number of Accused Employees
Central Bureau	30
South Bureau	50
Valley Bureau	34
West Bureau	46
CTSOB	46
PSB	1
TSB/TRFG	5
OSS	1
COS	1
Detective Bureau	6
OCOP	3
Total	223

**Table 3**

Accused Officer Ethnicity	Number of Accused Employees
American Indian	0
Asian/Pacific Islander	21
Black	17
Filipino	0
Hispanic	111
White	74
Other	0
Unknown	0
Total	223

**Table 3** represents the accused employee's ethnicity.

**Table 4** shows the accused employee's gender.

**Table 4**

Accused Employee's Gender	Number of Accused Employees
Male	201
Female	22
Non-Binary /Other	0
Total	223

**Table 5**

Employee's Years of Service	Number of Employees
0-5	54
6-10	41
11-15	59
16-20	24
21-25	25
25 +	20
Total	223

**Table 5** displays a range of the accused employee's years of service.

**Demographics of Complainants**

The below listed information is a breakdown of the complainant's race, age range, gender, area of residence and level of cooperation:

**Table 6**

Complainant's Ethnicity	Number of Complainants
American Indian	0
Asian/Pacific Islander	5
Black	20
Filipino	0
Hispanic	17
White	43
Other	0
Unknown	76
<b>Total</b>	<b>161</b>

Table 6 displays the complainant's ethnicity.

Table 7 displays the complainants age range.

**Table 7**

Complainant's Age Range	Number of Complainants
0-17	1
18-23	18
24-29	16
30-39	26
40-49	6
50-59	5
60 +	5
Unknown	84
<b>Total</b>	<b>161</b>

**Table 8**

Complainant's Gender	Number of Complainants
Male	67
Female	57
Non-Binary/Other	1
Unknown	36
<b>Total</b>	<b>161</b>

Table 8 is a breakdown of the complainant's gender.

Table 9 represents the complainant's area of residence.

**Table 9**

Complainant's Area of Residence	Number of Complainants
City of Los Angeles	49
Other City in California	27
Other State/Unknown	85
<b>Total</b>	<b>161</b>

Table 10 shows the complainant's level of cooperation.

**Table 10**

Complainant's Level of Cooperation	Number of Complainants
Interviewed	57
Refused to be interviewed	15
Not Located/No Response	89
<b>Total</b>	<b>161</b>

### **Adjudicated Cases and Types of Allegations**

As of March 23, 2021, a total of 37 cases out of the 210 cases have been adjudicated and closed out in CMS. There was a total of 155 allegations from the 37 adjudicated cases.

A total of seven allegations were classified as sustained. Five of these allegations involved a BWV/DICVS violation and corrective action taken ranging from an Official Reprimand to documented counseling. There was an allegation for Neglect of Duty, which was classified as Sustained – Unable to Impose Penalty, as the Department was unable to identify the accused employee. The final allegation was for Unbecoming Conduct, which was adjudicated as Sustained – 2 Day Suspension.

There was a total of 148 allegations that were adjudicated and classified as other than Sustained.

There were 67 allegations that were classified as Unfounded (45 percent of 148 allegations). This can be largely attributed to the use of BWV and/or DICVS, which refuted a significant number of these allegations.

There were 41 allegations that were classified as Insufficient Evidence to Adjudicate (28 percent of 148 allegations). Insufficient Evidence to Adjudicate means the Department was unable to determine whether the allegation of misconduct did or did not occur because of circumstances beyond its control (i.e., complainant refuses to cooperate). This can be attributed to these allegations being initiated from social media posts with anonymous or unidentified users, lawsuits and Claims for Damages wherein the complainant and/or attorney refused to provide any additional information, and where the complainant had incomplete information or was unable to identify any involved employee(s).

There were 17 allegations that were classified as Non-Disciplinary – Employee’s Actions Do Not Rise to the Level of Misconduct or Non-Disciplinary – No Department Employee Involved (11 percent of 148 allegations). There were 13 allegations that were classified as Not Resolved (9 percent of 148 allegations). Lastly, there were ten allegations that were classified as Exonerated (7 percent of 148 allegations).

### **Pending Cases and Status Updates**

As of March 31, 2021, a total of 37 cases of the 210 cases have been closed in CMS. As a result, 173 cases remain open.

Of the 109 cases assigned to the Task Force, 18 cases have been closed and 91 are in the review and approval process. Of the 91 cases that are still open, 33 cases are in the adjudication process and 58 cases are at Review and Evaluation Section (R&E), PSB, for final review and close-out.

Of the remaining 101 cases, 93 were assigned to non-Task Force PSB investigators, 5 were assigned to the employee’s COC, and 3 were assigned to OIG investigators. Of these cases, 2 have been closed, 79 are in the investigative process, and 20 are at R&E for final review and close-out. There are currently no cases in the adjudication process.

It should be noted that the vast majority of the 79 cases in the investigative process were initiated during the 4<sup>th</sup> Quarter of 2020 or 1<sup>st</sup> Quarter of 2021, as a result of numerous lawsuits with multiple plaintiffs and Claims for Damages.

## **CATEGORICAL USE OF FORCE INVESTIGATIONS**

Immediately upon the determination that any of the complaint allegations meet the criteria for a CUOF, the investigation is assigned to FID. All CUOF investigations are investigated and adjudicated in accordance with the Department's established procedures.<sup>1</sup> Listed below is a brief synopsis of each CUOF investigation identified by the Task Force and investigated by FID. These cases have not yet been adjudicated.

Initially there were six FID investigations. During one of the investigations, FID was unable to substantiate that a UOF occurred, and the Board of Police Commissioners (BOPC) was presented with a formal request to cancel the investigation, FID Case No. F040-020. The following is a summary and status update of each of the five CUOF incidents.

- FID Case No. F022-20, Officer – Involved Shooting – No Hit. On May 30, 2020, officers were positioned on a skirmish line on 6<sup>th</sup> Street and Broadway in DTLA. The suspect drove his vehicle toward the officers. One officer fired a 40-millimeter Less Lethal Munition (LLM) at the suspect, penetrating the front passenger window and striking the suspect in the abdomen. The suspect continued to drive toward the officers in the skirmish line and one officer fired one round from his pistol, in the direction of the suspect. The suspect was not struck by gunfire. No officers were injured. This case has been adjudicated by the Use of Force Review Board (UOFRB) as Tactics/Tactical Debrief for one officer and Tactics/Administrative Disapproval for the other officer, Drawing and Exhibiting/In-Policy, and Lethal Use of Force/Administrative Disapproval. Final findings by the Board of Police Commissioners are pending.
- FID Case No. F028-20, Law Enforcement Related Injury (LERI). On May 30, 2020, Olympic Patrol Division officers were assigned to a Mobile Field Force (MFF) and assigned to the intersection of Beverly Boulevard and the Grove Drive. Officers used bean bag shotgun LLMs and 40-millimeter LLMs to disperse protestors, and a male and a female were struck in the head with LLMs. The male was admitted to Cedars-Sinai Medical Center for an injury to his head. This case is still in the investigative stage at FID.
- FID Case No. F029-20, LERI. On May 30, 2020, Metropolitan Division officers were assigned to a MFF in the intersection of 3<sup>rd</sup> Street and Edinburgh Avenue. The suspect pushed and kicked an officer, causing him to fall on his back and become injured. Another officer deployed a 40-millimeter LLM at the suspect and struck him in the groin area. The suspect was admitted to Cedars-Sinai Medical Center for an injury to his testicle area. Final findings by the Board of Police Commissioners are pending.
- FID Case No. F037-20, LERI. On June 2, 2020, Southwest and 77<sup>th</sup> Street Area officers were assigned to a MFF in Hollywood Area. On June 11, 2020, the Los Angeles Times published an article claiming a male had been struck in the testicles by a “rubber bullet” and was admitted to St. Joseph’s Medical Center. This case has been adjudicated by the UOFRB as

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<sup>1</sup> Los Angeles Police Department Manual, 2020 3<sup>rd</sup> Quarter, Volume 3/792-796.35

Tactics/Tactical Debrief, Non-Lethal Use of Force/In-Policy, and Less-Lethal Use of Force/In-Policy. Final recommendations by the Chief of Police and findings by the BOPC are pending.

- FID Case No. F006-21, Unintentional Head Strike with Serious Bodily Injury. On June 11, 2020, the Los Angeles Times published an article related to the protests and identified a male who was allegedly struck in the head by a police projectile. Investigators from the Task Force attempted to contact the male with no response. On December 14, 2020, Legal Affairs Division received a lawsuit filed on behalf of the named male as well as information that the male was hospitalized with a jaw injury. Force Investigation Division conducted an assessment on the case and determined it would be classified as a CUOF. At this time, the involved officer has not been identified. This case is still in the investigative stage at FID.

### **NON-CATEGORICAL USE OF FORCE INVESTIGATIONS**

There was a total of 210 SAFE LA complaint investigations initiated, and 73 of these investigations involved allegation(s) of a UOF. Based on evidence gathered to date, two Non-Categorical Use of Force (NCUOF) investigations were initiated. Both of these incidents occurred in Hollywood Area by Department personnel assigned to a MFF.

The first NCUOF was adjudicated and closed as Administrative Approval/Divisional Training for all employees. The second NCUOF was adjudicated as Administrative Approval/Tactical Debrief for all employees.

Of the remaining 71 complaints involving allegation(s) of a UOF, 31 complaints have been adjudicated, none of which have been sustained. The remaining 40 complaints are either in the review or adjudication process.

Based on the investigations to this point no allegations for unauthorized force have been sustained. Many of these complaints involving allegation(s) of a UOF do not have supporting information to identify officer(s), a location, or a specific incident.

Those incidents that have identifying information involved the actions of an employee(s), in which the Department classifies as a non-reportable, NCUOF, as defined in Department Manual Section 4/245.05, which states, in part,

“In a crowd control situation, a use of force report is not required when officer(s) become involved in an incident where force is used to push, move, or strike individuals who exhibit unlawful or hostile behavior and who do not respond to verbal directions by the police. This applies only to officers working in organized squad and platoon sized units directly involved in a crowd control mission. Additionally, should force be utilized under these circumstances, officers shall notify their immediate supervisor of the use of force once the tactical situation has been resolved. The supervisor shall report the action on the Incident Command System (ICS), Form 214 (Activity Log), or as directed by the incident commander. When a suspect has been taken into custody, the booking number or Division of Records (DR) number of the related report shall be cross-referenced on the ICS Form.”

**Follow-Up Action**

The Task Force will continue to maintain the responsibility and oversight of tracking all incoming complaints related to the Department's response to the civil unrest from May 30, 2020 through June 10, 2020. Professional Standards Bureau has continued to receive complaints related to these incidents, as recently as February 2021.

Professional Standards Bureau will ensure that all Task Force cases are completed within their statute dates. An updated report will be provided to the BOPC in the 3<sup>rd</sup> Quarter. A copy of the report is being provided to the OIG.

If you have any questions regarding this correspondence, please have a member of your staff contact Deputy Chief Robert E. Marino, Commanding Officer, Professional Standards Bureau, at (213) 996-2772.

Respectfully,



MICHEL R. MOORE  
Chief of Police