

## INTRADEPARTMENTAL CORRESPONDENCE

September 15, 2015  
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**BPC #15-0283**

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

**FROM:** Inspector General, Police Commission

**SUBJECT:** REVIEW OF DEPARTMENT'S RESERVE POLICE OFFICER PROGRAM

### **RECOMMENDED ACTION**

REVIEW and APPROVE the Office of the Inspector General's (OIG) Review of Department's Reserve Police Officer Program.

### **DISCUSSION**

The OIG performed a review of the Department's reserve police officer (reserve) program. The Board of Police Commissioners requested this review in response to an April 2015 incident in Oklahoma where a 73-year-old reserve deputy sheriff, believing he was discharging his Taser, accidentally shot and killed a suspect.

The OIG found numerous reserves not meeting their minimum service hour requirement and/or training hour requirement. The OIG also found issues regarding reserve age-related deployment and the reserves firearms qualification policy. The OIG made numerous recommendations pertaining to these issues.

I am available to provide any information the Board may require.

**e-Copy – Original Signature on File with the Police Commission**

ALEXANDER A. BUSTAMANTE  
Inspector General  
Police Commission

Attachment

**LOS ANGELES POLICE COMMISSION**

**REVIEW OF DEPARTMENT'S  
RESERVE POLICE OFFICER  
PROGRAM**



Conducted by The  
**OFFICE OF THE INSPECTOR GENERAL**

ALEXANDER A. BUSTAMANTE  
Inspector General

September 15, 2015

# REVIEW OF DEPARTMENT'S RESERVE POLICE OFFICER PROGRAM

## I. INTRODUCTION

The Office of the Inspector General (OIG) has completed its review of the Los Angeles Police Department's (LAPD or Department) Reserve Police Officer (reserve) program. The Board of Police Commissioners requested the review in response to an incident in Tulsa County, Oklahoma, on April 2, 2015. In this incident, a 73-year-old reserve deputy sheriff, believing he was discharging his Taser, instead shot his firearm killing the suspect. The OIG's review focused on the program requirements, uses of force, and complaints involving reserves.

Department reserves are volunteer community members who generally perform duties otherwise performed by full-time sworn officers. Per the Department, "the primary intent of the mission of the reserve corps is to backfill and supplement patrol operations in the geographic patrol divisions as a force multiplier."<sup>1</sup> Reserve applicants must pass the same application process as full-time applicants, i.e., background check and physical tests (vision, hearing, strength, fitness, agility, etc.), unless the applicant has just retired from the Department as a full-time officer without a break in service.

Per the Deployment Roster, as of May 2015, LAPD had 390 reserves: 255 Level I, 29 Level II, and 106 Level III.<sup>2</sup> A Level I reserve holds 24-hour police officer status and can work alone. A Level II reserve holds police officer status only while on duty and requires immediate supervision when working in law enforcement capacity.<sup>3</sup> A Level III reserve is assigned to work not likely to result in a physical arrest. Reserves report to the commanding officers (COs) of the various divisions and bureaus, who determine their specific assignments. The table on the next page provides additional details regarding the three reserve levels.<sup>4</sup>

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<sup>1</sup> LAPD Reserve Corps Guidelines, *Intent*, 4 (in draft form pending final approval).

<sup>2</sup> The majority of the Level I & II reserves were assigned to the 21 geographic divisions. Also, 20 reserves were assigned to traffic divisions, with 17 assigned to West Traffic Division (WTD). Eight of these WTD reserves were motor officers who rode motorcycles home. Also, 7 Level I & II reserves assigned to some of the higher-risk specialized divisions had not previously worked as full-time police officers. These 7 reserves were assigned to Major Crimes Division (3), Gang and Narcotics Division (2), Metropolitan Division (1), and Detective Support and Vice Division (1).

<sup>3</sup> Level II & III reserves can work alone in non-law enforcement capacity.

<sup>4</sup> Department policy (Dept. Manual § 3/252) mirrors California Peace Officer Standards & Training (POST), which are governed by California Penal Code §§ 830.6(a) and 832.6(a). POST defines the three reserve levels (I, II, & III), mandates minimum academy and continuing training hours, and states that Level I reserves must serve an average monthly minimum of 16 hours.

**Table No. 1 - Similarities and Differences between Reserve Levels I, II, & III**

	<b>Authority/Power</b>	<b>Assignments</b>	<b>Supervision</b>	<b>Required Training<sup>5</sup></b>
<b>I</b>	Same as full-time officer on/off-duty. Can carry concealed/loaded firearm on/off-duty.	Same as full-time officer (no restrictions).	Same as full-time officer. Can work alone.	727 hr. academy training 400 hr. probationary period 24 hr. continuing training / 2 yr.
<b>I</b> <b>I</b>	Same as full-time officer on-duty. No off-duty police officer powers. Same as citizen off-duty.	Same as full-time officer (no restrictions).	Need supervision by a full-time officer or Certified Designated Level (CDL) I reserve. <sup>6</sup>	333 hr. of academy training 24 hr. continuing training / 2 yr.
<b>I</b> <b>I</b> <b>I</b>	Can carry concealed/loaded firearm on-duty only if LIII-Armed. No off-duty police officer powers Same as citizen off duty.	Limited support duties not likely to result in a physical arrest.	Need supervision by a full-time officer or CDL I reserve.	144 hr. academy training 16 hr. continuing training / 2 yr.

**II. SERVICE, TRAINING, AND DEPLOYMENT ISSUES**

**A. Minimum Service Hours**

The OIG found that, according to their websites, the Los Angeles County Sheriff’s Department (LASD) and the San Diego Police Department (SDPD) require reserves to work 20 hours per month, or 240 hours per year. All LAPD reserves are currently required to serve at least 32 hours every 2 Deployment Periods (DP),<sup>7</sup> which equates to 208 hours per year.<sup>8</sup>

Despite the requirement, Department records reported that 38 reserves each served under 50 hours per a recent one-year period (DP2-2014 to DP1-2015).<sup>9,10</sup> Furthermore, 7 of these 38 reserves had reportedly never served any hours since joining the Department.<sup>11</sup> The OIG found in TEAMS no complaints or other action initiated against any of the non-compliant reserves by their COs.<sup>12</sup>

<sup>5</sup> The LAPD academy hours for reserves are 144 for Module III, 189 for Module II, and 394 for Module I. A Level I reserve must complete all three modules, for a total of 727 hours.

<sup>6</sup> A CDL I reserve has completed 2,000 hours in a patrol assignment.

<sup>7</sup> A “Deployment Period” (DP) is a four-week period. Numerically, DPs begin approximately the same time as the calendar year.

<sup>8</sup> The Department is considering reducing the annual requirement to 195 hours per year.

<sup>9</sup> The OIG only analyzed data for active Level I & II reserves who started before DP2-2014. The OIG excluded reserves for whom their lack of service was adequately explained (e.g., approved leave of absence) or their resignation/separation was being processed. See Appendix for details for the 38 reserves.

<sup>10</sup> It’s possible that some of these 38 reserves may have served hours that were not entered into the Deployment Planning System (DPS) – the Dept.’s timekeeping system. In order for a reserve to receive the maximum annual stipend of \$650, at least 195 service hours must be entered into DPS.

<sup>11</sup> The seven reserves without any hours started from July 2011 through September 2013.

<sup>12</sup> Reserves are subject to the Department’s disciplinary system, and the penalties that may be imposed include Admonishment, Official Reprimand, Placement on Inactive Status (for ≤ 6 mo.), and Separation.

When the OIG consulted with Training Division (TD) about reserves not serving required hours, TD identified a timekeeping issue. Unlike full-time officers, reserves are free to vary the shifts they work within their assigned division. A reserve may elect to work a day watch and then subsequently work a night watch. This can create a timekeeping problem, as explained more fully below.

Full-time officers are assigned to a single superior who is responsible to enter each officer's attendance into the Department's Deployment Planning System (DPS), which tracks the officer's hours for payroll purposes. For each officer, only one superior (or designee) generally has access to the officer's DPS entry.

Although each reserve is also assigned to a single superior, when the reserve elects to work a watch apart from that superior, the substitute superior generally cannot access DPS to log the reserve as on-duty. This also occurs when reserves work special events, such as parades. As a result, it is possible that some reserve officers have worked more hours than recorded in DPS. Because the reserve stipend is minimal, there is little incentive to maintain accurate DPS entries, unlike full-time officers, where DPS entries control paycheck totals.

### **B. Minimum Continuing Professional Training Hours**

All LAPD Level I and II reserves are required to complete at least 24 hours of Continuing Professional Training (CPT) every 2 years: 14 hours of perishable skills training and 10 hours of other law enforcement-related training.<sup>13</sup> Despite the requirement, Department records showed that 31 reserves each completed under 10 CPT hours per a recent 2-year period (January 2013 through December 2014).<sup>14</sup> Moreover, 16 of these 31 reserves completed no CPT hours at all. The OIG found in TEAMS no complaints or other action initiated against any of the non-compliant reserves by their COs.

**Note:** Seven reserves were non-compliant with both the service and CPT hours requirements.<sup>15</sup>

### **C. Age-Related Deployment**

As with full-time officers, after becoming a reserve there is no requirement to periodically pass any physical or fitness tests.<sup>16</sup> There is also no policy that precludes a senior-aged reserve from field work, as happened in Oklahoma. Instead, the Department allows each division CO to exercise discretion in deploying reserves.

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<sup>13</sup> POST does not require perishable skills training for reserves.

<sup>14</sup> All 32 non-compliant reserves started before January 2013, so they had the full 2-year period to complete the CPT hours.

<sup>15</sup> See Appendix for details for the seven reserves.

<sup>16</sup> Likewise at LASD & SDPD, after becoming a reserve there is no requirement to periodically pass any physical or fitness tests.

As of May 2015, there were 17 Level I and II reserves over 70 years old, with the oldest being 80 and 91. Training Division advised the OIG that at least 3 of these 17 reserves were assigned to patrol, including the 80-year-old.<sup>17</sup> In examining the Department's Deployment Roster, the OIG found the two most senior full-time officers to be at least 63 years old, both assigned to non-field positions.<sup>18</sup> Retirement benefits act as incentive for full-time officers to end service at some point, but there is no such incentive to end reserve service and no maximum age for field deployment.

### **III. REVIEW OF RESERVE COMPLAINTS AND USES OF FORCE**

#### **A. Firearms Qualification Policy**

The OIG found that 13 of the 32 (41%) complaints against reserves adjudicated during a recent 27-month period (January 2013 through March 2015) were for Failure to Qualify (FTQ).<sup>19</sup> The Sustained FTQ complaints resulted in two reserve resignations and one termination.<sup>20</sup>

Department policy states that full-time officers and reserves (Levels I, II, & III-armed) shall qualify with their primary duty handgun: (a) 5 times per year, if they have less than 20 years of service, (b) semiannually, if they have 20 to 29 years of service, or (c) annually, if they have 30 or more years of service.<sup>21</sup> The years of service can be either: (a) combined full-time peace officer and reserve service time, or (b) solely reserve service time (if the reserve was never a full-time peace officer).

**Note:** Of the 17 Level I & II reserves over 70 years old, 13 had over 30 years of service.<sup>22</sup>

The International Association of Chiefs of Police (IACP) has published a model policy which recommends that quarterly qualification is desirable for all officers who carry a firearm, whether full-time or reserve.<sup>23</sup> The OIG is concerned that requiring only annual qualification by reserves

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<sup>17</sup> The three reserves were 80, 74, and 70 years old. Training Division advised that they did not know which, if any, of the other 14 reserves were assigned to patrol or other field assignments, as the divisions are not required to report this information to Training Division.

<sup>18</sup> The OIG noted per the [intranet] Deployment Roster that the two most senior full-time officers started in late 1972, so they are both at least 63 years old.

<sup>19</sup> See the Appendix for Complaint File Nos. for the 13 FTQs. The other 19 complaints had 21 allegations of the following 9 types: Alcohol Related (2), Discourtesy (3), Neglect of Duty (6), Off-Duty Altercation (1), Other Policy/Rule (1), Preventable Traffic Collision (1), Unauthorized Force (1), Unbecoming Conduct (4), & Unlawful Search (2). Four allegations were Sustained: Alcohol Related (2), Neglect of Duty (1), & Unbecoming Conduct (1).

<sup>20</sup> Also, a Neglect of Duty complaint (CF No. 14-001501) and an Alcohol Related complaint (CF No. 13-003260) resulted in a resignation and termination, respectively.

<sup>21</sup> Dept. Manual § 3/258 – Shooting Qualification.

<sup>22</sup> See Appendix for details for the 13 reserves.

<sup>23</sup> IACP Firearms - Concepts and Issues Paper: "It is difficult on a practical basis to adhere to monthly testing considering manpower, scheduling, costs, and related matters. However, it is also difficult to justify only semiannual qualification even if specified as the minimum by state standards. Quarterly testing is a desirable objective for all police departments and should include the on-duty sidearm as well as all firearms authorized by the police department."

(Levels I, II, & III-armed) with 30 or more years of service may present a risk issue, especially if deployed in the field. The OIG also questions whether, for the purpose of firearms qualification, a year of reserve service (approximately 200 hours per year) should equate to a year of full-time officer service (approximately 2,000 hours per year).

### **B. Uses of Force**

Since the Oklahoma incident involved an officer-involved shooting (OIS), the OIG examined the recent history of adjudicated reserve OISs and other uses of force. For a recent 27-month period (January 2013 through March 2015), there were no reserve OISs or other Categorical Uses of Force. There were 17 reserve Non-Categorical Uses of Force, all adjudicated as "In Policy."<sup>24</sup>

## **IV. RECOMMENDATIONS**

1. Regarding the issue that numerous reserves reportedly have not served the minimum required hours, the Department should:
  - a) Mandate that the Reserve Coordinator at each command account for each assigned reserve officers' hours served and ensure that it is entered into DPS.
  - b) Modify DPS, as necessary, to consistently allow multiple superiors to view the service hours of any reserve, or create a separate reserve module within DPS.
  - c) Use COMPSTAT to monitor reserve service hours compliance by command.
2. The Department should address reserves who have not completed the minimum required CPT hours, possibly by using COMPSTAT to monitor compliance by command.
3. The Department should develop policy to address whether reserves may be deployed in field assignments without consideration of age or physical ability. For risk management purposes, COs should report reserve assignments to the Department Reserve Coordinator, who should maintain a database comparing training to assignment.
4. The Department should consider revising its firearms qualification policy to require all reserves to qualify at least semiannually, regardless of their total years of service.
5. The Department should update the Manual to reflect the current practice that the CO of Police Sciences and Training Bureau is the Department Reserve Coordinator.

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<sup>24</sup> Categorical Uses of Force include OISs, upper-body control holds, head strikes with an impact weapon, uses of force resulting in death, uses of force resulting in hospitalization, and in-custody deaths. Non-Categorical Uses of Force include all other "reportable" uses of less-lethal control devices or physical force.

## V. TRAINING DIVISION MANAGEMENT RESPONSE

**Minimum Service Hours:** Although Department records revealed that 38 reserve officers worked less than required, it is possible that the reserve officers actually worked as required; however, their time was not entered into DPS. In an effort to correct this oversight, the Department's Reserve Coordinator will conduct a reserve coordinator's meeting in September 2015. Determining the number of hours worked by a reserve officer has been and continues to be a management struggle. All supervisors do not have the ability to access reserve officers in the DPS; consequently, when reserves work in an assignment other than their normal assignments, their work hours are often not recorded.

**Age-Related Deployment:** The Department should develop a policy which requires an assessment of armed reserve officers ability to perform the essential duties after 60 years of age.

**Firearms Qualification Policy:** There is not enough information in the IACP recommendation to support a quarterly qualification requirement.

**General:** The Department should add the reserve corps information to the COMPSAT profile to ensure that commanding officers are monitoring, training, and ensuring that reserve officers in their command are in compliance with Department policy.



**APPENDIX – Page a**

**38 RESERVES SERVING UNDER 50 HOURS PER YEAR**

	<b>Reserve Level</b>	<b>Current Division</b>	<b>Hours Served per Year (DP2-2014 - DP1-2015)</b>	<b>Last DP Served</b>	<b>If Never Served, Date Became Reserve</b>
1	1	MISN	0	NEVER	7/17/2011
2	1	OO	0	NEVER	1/31/2012
3	1	NE	0	NEVER	2/10/2012
4	1	OAS	0	NEVER	7/1/2012
5	1	NE	0	NEVER	7/8/2012
6	1	MCD	0	NEVER	12/9/2012
7	1	WTD	0	NEVER	9/1/2013
8	1	NHWD	0	2011-01	
9	2	HARB	0	2012-01	
10	1	RAMP	0	2012-06	
11	1	SW	0	2012-06	
12	1	METRO	0	2012-06	
13	1	METRO	0	2012-10	
14	1	COS	0	2012-10	
15	1	HARB	0	2013-06	
16	1	TD	0	2013-10	
17	1	RAMP	0	2013-10	
18	1	PERG	0	2013-10	
19	1	EOD	0	2014-01	
20	1	RHD	0	2014-01	
21	1	METRO	0	2014-01	
22	1	JUV	0	2014-01	
23	1	METRO	20	2014-01	
24	1	OLYM	20	2014-06	
25	1	77TH	20	2014-06	
26	1	OAS	21	2014-06	
27	1	RAMP	23	2014-01	
28	1	NE	24	2014-06	
29	1	FTHL	34	2014-06	
30	1	DEV	35	2014-10	
31	1	NEWT	37	2014-10	
32	1	MISN	40	2014-10	
33	1	OO	42	2014-06	
34	1	HWD	42	2014-10	
35	1	SW	42	2015-01	
36	1	TD	42	2015-01	
37	1	TOP	43	2014-10	
38	1	CTSOB	48	2014-10	

**APPENDIX – Page b**

**7 RESERVES SERVING UNDER 50 HOURS AND COMPLETING UNDER 10 CPT HOURS PER YEAR**

	Reserve Level	Current Division	Hours Served per Year (DP2-2014 – DP1-2015)	Last DP Served	CPT Hours Completed (1/1/13 – 12/31/14)
1	1	OAS	0	NEVER	0
2	1	NHWD	0	2011-01	2
3	1	SW	0	2012-06	4
4	1	COS	0	2012-10	0
5	1	HARB	0	2013-06	0
6	1	OLYM	20	2014-06	0
7	1	OO	42	2014-06	8

**13 RESERVES OVER 70 YEARS OLD AND WITH OVER 30 YEARS OF SERVICE**

	Reserve Level	Current Division	Date Became Reserve	Retired LAPD Officer?	Date of Birth	Age @ 8/1/15
1	1	CENT	10/19/69	no	2/27/35	80
2	1	FTHL	10/19/81	no	8/29/37	77
3	1	WVAL	3/8/08	YES	7/4/40	75
4	1	WLA	10/19/81	no	9/17/40	74
5	1	CTD	10/4/82	no	11/29/40	74
6	1	WTD	5/20/69	no	2/11/41	74
7	1	FTHL	7/22/70	no	7/4/42	73
8	1	VTD	6/1/84	no	7/13/42	73
9	1	VB	10/15/84	no	12/30/42	72
10	1	VNY	8/1/98	YES	4/18/43	72
11	1	WLA	5/1/07	YES	11/18/43	71
12	1	PAC	7/1/08	YES	6/29/44	71
13	1	WTD	5/1/07	YES	12/8/44	70

**13 FAILURE TO QUALIFY COMPLAINTS:** 12-000874, 12-000875, 12000967, 12-001746, 12-002745, 13-001243, 13-001244, 13-001245, 13-001677, 13-001700, 14-001215, 14-001283, 14-001968.