

INTRADEPARTMENTAL CORRESPONDENCE

December 10, 2015  
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**RECEIVED**  
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POLICE COMMISSION

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

**FROM:** Chief of Police

**SUBJECT:** THE LOS ANGELES POLICE DEPARTMENT'S THIRD QUARTERLY RISK MANAGEMENT AND HARM REDUCTION STATUS REPORT

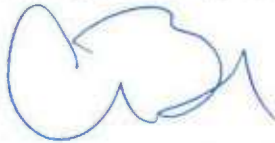
**RECOMMENDED ACTION**

1. That the Board of Police Commissioners approve the Los Angeles Police Department's Third Quarterly Risk Management and Harm Reduction Status report.

**DISCUSSION**

On February 17, 2015, the Board of Police Commissioners (BOPC) accepted the Department's new Risk Management and Harm Reduction Strategy, which focuses on reducing the physical, organizational and financial harms caused by uses of force, employee-involved traffic collisions, work-related injuries, and workplace conflict. On September 9, 2015, the Department presented to the BOPC its second quarterly report which was an overview of the progress made in implementing the strategy and provide a more detailed focus on efforts to reduce employee-involved traffic collisions. This third quarterly status report provides information regarding the Department's ongoing efforts to reduce harms associated with workplace conflict.

If you should have any questions, please contact Michael Hyams, Commanding Officer, Risk Management Legal Affairs Group at (213) 486-8730.



CHARLIE BECK  
Chief of Police

Attachments

*Report to the Board of Police Commissioners*  
**Third Quarterly Risk Management and Harm  
Reduction Strategy Report**



Risk Management Legal Affairs Group

Los Angeles Police Department

December 15, 2015

## **THE LOS ANGELES POLICE DEPARTMENT'S THIRD QUARTERLY RISK MANAGEMENT AND HARM REDUCTION STATUS REPORT**

### **Purpose**

On February 17, 2015, the Board of Police Commissioners (BOPC) accepted the Los Angeles Police Department's (LAPD or Department) Risk Management and Harm Reduction Strategy (Strategy), which focuses on reducing the physical, organizational and financial harms caused by uses of force, employee-involved traffic collisions (EITCs), work-related injuries, and workplace conflict. The Strategy paves a roadmap for the Department's mitigation of risk and reduction of harm to personnel, the organization and the public. The Department has presented a quarterly status report delineating ongoing efforts to reduce harms associated with work-related injuries and EITCs. This third quarterly status report provides information regarding the Department's ongoing efforts to reduce harms associated with workplace conflict.

### **Overview of Strategy**

The Department's Strategy shifts the focus from the traditional notion of "managing risk" to an emphasis on reducing identifiable harms. Rather than using an overly broad approach dealing with speculative risks, the Department has gathered and analyzed data to pinpoint the most significant harms and identify areas where interventions are most likely to yield the greatest results. The recently created Risk Management Division (RMD) has created Problem Solving Teams (PSTs) around four focal areas: (1) Uses of Force; (2) Employee Involved Traffic Collisions; (3) Work-Related Injuries; and (4) Workplace Conflict. The PSTs use expert panels, especially at the operator level, to develop meaningful interventions to reduce harms. Interventions range from simple messaging to significant structural changes necessary to support success. Risk Management Division will continually evaluate the effectiveness of the interventions and measure the impact.

### **Organizational Changes – RMLAG and Divisional Risk Management Coordinators**

The Strategy identified the need to have centralized support for harm reduction efforts at the divisional level. Consequently, Risk Management Legal Affairs Group (RMLAG) was created which includes the new RMD, Legal Affairs Division (LAD) and Ombuds Section. A civilian commander who serves as the Department's Risk Manager leads RMLAG. Risk Management Legal Affairs Group resources provide data analysis, program development, and other support and coordination services to Risk Management Coordinators (RMCs) assigned to areas and divisions. Risk Management Coordinators are typically supervisors (at a rank of Sergeant or Management Analyst II or above), reporting directly to the geographic Area Commanding Officer, and serve as a point of contact for the PSTs to identify emerging trends and implement interventions. Currently, RMCs are assigned at Hollenbeck, North Hollywood, Rampart, Pacific, and Harbor Areas, with additional geographic Areas being added, as systems and reporting are refined, and personnel for staffing are identified.

On October 28, 2015, the Department Risk Manager and RMD held its first RMC quarterly meeting. The meeting was an opportunity for the currently assigned RMCs to discuss their roles, duties and responsibilities. The RMCs currently assigned to geographic Areas often serve as the Divisional

Training Coordinator or have other assignments which make it difficult to perform RMC functions. Consequently, RMD is working with the Office of Operations to staff full-time RMCs who can be dedicated to the harm reduction efforts for the geographic Area.

### **Incorporation of Strategy in Standards Based Assessment Forms**

Risk Management Division is currently working to enhance the current Standards Based Assessment (SBA) form. The goal of this project is to include the Department's Harm Reduction Strategy into the SBA, bringing awareness and education to personnel about policies and practices regarding workplace conflict, work-related injuries, uses of force, and EITCs. The enhancement of the SBA will provide employees and their supervisors with the opportunity to learn and be accountable for their specific actions as they relate to the four areas. In addition, the SBA form will reinforce the importance the organization places on its harm reduction strategies and emphasize the fundamental responsibility of each and every employee. Currently, Policies and Procedures Division is updating the SBA form. After approval by Department management, Employee Relations Group (ERG) will initiate the necessary labor-relations discussions regarding the new SBA form.

### **Harm Reduction Messaging**

The success of the Department's Strategy rests upon stakeholder recognition and behavior. To reach all stakeholders, RMD is working on a variety of methods to communicate the Strategy to the Department's nearly 13,000 sworn and civilian employees. These communication efforts include the publication of the Strategy on the Department's Local Area Network (LAN), along with the dissemination of the Strategy at general and senior staff meetings. Risk Management Division has developed a website that identifies the Division's purpose, and provides access to material generated in support of the Strategy by the Division.

Risk Management Division is working with the Office of the Chief of Staff, Real-Time Analysis & Critical Response Division (RACR), Strategic Planning Group, Employee Relations Group (ERG), Behavioral Science Services(BSS), and Information Technology Bureau, to include key risk management messages in bulletins and methods of communication produced by these entities. Messaging has been placed on the LAN, and in newsletters published by Chief of Staff, RACR, ERG, and the Strategic Planning Group.

### **City Attorney's Office Coordination**

RMLAG continues to work with the Office of the City Attorney (OCA) and the newly appointed Risk Manager for the OCA. This includes the ongoing development and coordination of processes and interventions to best mitigate harm and reduce risk. In addition, the Department continues to utilize the Liability Management Committee and the Litigation Coordination Committee to manage liability and address new concerns.

## **Status of Workplace Conflict Focus Area**

This report sets forth the status of the Department's implementation of the Harm Reduction Strategy, with a focus on workplace conflict. The status of the remaining three focus areas follows the discussion on workplace conflict.

The Department has recognized the importance of reducing workplace conflict to ensure that its workforce can pursue its critical public safety mission. A reduction in workplace conflict that is rooted in organizational decisions, negative personal interactions, and other causes must be identified and prevented when possible. The Department must continue working to create an environment where conflict, which is inevitable in a large, complex public safety workforce, can be resolved in a professional manner and preserve the organization's core values.

The Department has found that many small conflicts can grow into larger workplace disruptions if the conflict is not identified early and appropriate steps are not taken to resolve the conflict. This can result in less productivity, lower job satisfaction and physical illness.<sup>1</sup> In addition, unintentional actions can create conflict because of the lack of communication and understanding between co-workers about perceptions and perspectives. The end result may include lawsuits, work-related injury claims and other negative impacts.

The following information describes Department resources that are involved in workplace conflict, investigation and resolution, and descriptive statistics involving their activities where available. Following this section is a discussion of current and planned interventions to mitigate the harms and address the statistical trends involved in workplace conflict.

### **Department Resources, Activities, and Descriptive Data**

**Peer Support Group (PSG).** Peer Support Group is comprised of Department employees trained to be of service to other Department employees. The program provides a readily accessible support network in a confidential format. PSG members assist with a wide variety of issues, including but not limited to; chemical dependency, grief, divorce, stress, discipline, relationships, post-traumatic stress, and long-term illnesses. PSG also provides support to employees dealing with workplace conflict.

**Behavioral Science Services.** Behavioral Science Services is responsible for planning, developing, implementing, and administering the Department psychological services program. Behavioral Science Services is staffed by professional psychologists who specialize in law enforcement-related situations and crises. Their services include providing individual and couples counseling to all Department personnel and their spouses, providing training for Department personnel on topics such as stress management, suicide prevention, and anger management, conducting debriefs with Department personnel involved in traumatic situations, and providing organizational/psychological consultation to work groups within the Department. A specific BSS psychologist is assigned to each bureau Department-wide. These psychologists periodically walk around the Areas/Divisions within their assigned bureau to enhance employee trust and accessibility to BSS services.

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<sup>1</sup> De Dreu, C. K. (2008). The virtue and vice of workplace conflict: Food for (pessimistic) thought. *Journal of Organizational Behavior*, 29(1), 5.

**Employee Relations Group.** Employee Relations Group represents the Chief of Police (COP) in all employee relations matters, including contract negotiations with various unions which represent Department sworn and civilian employees. Employee Relations Group conducts investigations of grievances involving the interpretation and application of work rules, reviews request for administrative transfers, and represents the COP in arbitrations resulting from grievances. Table 1, below, delineates the number of grievances filed from 2012 through 2014 and compares the monthly averages with the period of January 1 through September 30, 2015.

**Table 1 – Number of Grievances Filed by Year (2012 through September 2015)**

	2012	2013	2014	Total	Average Per Month 2012-2014	Jan - Sep 2015	Avg Per Month 2015	% Difference 2015 vs. 2012-14 Avg/Month
Grievances Filed	60	40	45	145	4.03	39	4.3	6.7%

**Ombuds Section.** When workplace conflict is found not to rise to the level of misconduct, the Department’s Ombuds Section provides an alternative and voluntary means by which to resolve workplace conflict and to minimize the need for formal complaint investigations or litigation. The Ombuds Section’s primary mission is to address interpersonal conflict between co-workers, supervisors, and/or subordinates; and to conduct in-depth workplace assessments and evaluations of workplace environments before complaints, grievances, claims, and/or lawsuits are filed. These assessments assist in the performance evaluation of various entities within the Department, providing Department managers with feedback and recommendations on how to improve performance. The function of the Ombuds Section does not replace the complaint investigation process for addressing allegations of serious misconduct. The Ombuds Section primarily handles personality conflict within commands, perceived harsh supervision, lack of communication, and equity concerns. Table 2, below, delineates the number of cases the Ombuds Section handled from 2012 through 2014 and from January 1 through September 30, 2015.

**Table 2 – Ombuds Section Cases Initiated (2012 through September 2015)**

	2012	2013	2014	Total	Average Per Month	Jan - Sep 2015	Average Per Month 2015	% Difference
Ombuds Section Cases Initiated	29	39	37	105	2.9	17	1.9	(-34%)

**Internal Affairs Group, Workplace Investigations Section (WIS).** When conflict arises in the workplace and it rises to the level of misconduct, WIS will investigate the allegations.<sup>2</sup> The WIS is a specialized section responsible for investigating all retaliation, discrimination, harassment, and other

<sup>2</sup> Employment claims and lawsuits involving alleged misconduct will also result in a WIS investigation being initiated.

workplace complaints of serious misconduct.<sup>3</sup> These types of cases are often some of the most challenging investigations that involve multiple issues and large numbers of employees with multiple incidents spanning years. The WIS allows for the centralization of all workplace investigations. Table 3, below, delineates the number of initiated WIS investigations from 2012 through 2014 and from January 1 through September 30, 2015.

**Table 3 – Initiated WIS Investigations (2012 through September 2015)**

	2012	2013	2014	Total	Average Per Month	Jan - Sep 2015	Average Per Month 2015	% Difference
Initiated WIS Investigations	75	53	113	241	6.7	106	11.8	76%

**Employment Claims and Lawsuits Filed.** Unaddressed workplace conflict can sometimes result in an employee filing a lawsuit against the City. Between 2012 and 2014, Department employees have filed an average of 38 employment claims and 21 employment lawsuits per year with the City. Over this same time period, the Department had an average of 12,760 sworn and civilian employees. Thus, for every 1,000 employees, approximately 3.0 filed a claim and 1.6 employees filed a lawsuit each year. See Table 4, on the next page.

<sup>3</sup> Retaliation is defined as taking an adverse action against an employee for opposing an unlawful employment practice or for the employee making a charge, testifying, assisting or participating in a discriminatory investigation, proceeding, or hearing;

Discrimination is defined as any employment practice or decision which intentionally or unintentionally results in the unequal treatment of an individual or group in a protected class on a basis other than job-related reasons. A protected class includes any group, which shares the same sex, a common race, religion, color, or national origin; people over 40; and people with physical or mental handicaps; and,

Harassment is defined as the deliberate, repeated, and hurtful mistreatment of a target by a harasser. The harasser may use emotional abuse, bullying, abuse of power, unfair penalties, hostile communication, and offensive behavior. Sexual harassment specifically includes unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or, (3) such conduct has a purpose or effect of unreasonable interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

**Table 4 – Number of Employment Claims and Lawsuits Filed (2012 through September 2015)**

	2012	2013	2014	Total	Average 2012-2014	Average Per Month	Jan - Sep 2015	Average Per Month 2015	% Difference
Average No. of Department Employees	12,846	12,774	12,608		12,760	N/A	12,575	N/A	N/A
Claims Filed	38	36	41	115	38	3.19	19	2.1	(-34%)
Claims Per 1,000 Department Employees	3.0	2.8	3.3		3.0	.25	1.5	.17	(-32%)
Lawsuits Filed	26	16	22	64	21	1.8	19	2.1	16%
Lawsuits Per 1,000 Department Employees	2.0	1.3	1.7		1.6	.14	1.5	.17	21%

Based on information provided by the OCA, between 2012 through 2014, 59 employment lawsuits were closed, 21 (36%) did not involve a City payout, while 38 (64%) did. These 38 lawsuits had payouts totaling over \$32 million, or approximately \$10.2 million per year. For the time period of January 1 through September 30, 2015, 10 employment lawsuits were closed. Of these 2, (20%) were closed with no payout. The remaining 8 lawsuits totaled \$6,429,500 in payouts. Table 5, below, delineates the basis for closing these lawsuits.

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**Table 5 – Number of Employment Lawsuits Closed (2012 through September 2015)**

<b>Reason Lawsuit Closed</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Total Lawsuits Closed</b>	<b>Total Payouts (2012-2014)</b>	<b>Jan - Sep 2015</b>	<b>Total for 2015</b>
Demurrer	0	1	0	1	N/A	0	0
Summary Judgment	0	2	3	5		0	0
Dismissal-Court	2	4	0	6		0	0
Dismissal-Voluntary	0	3	0	3		1	1
Appeal-No Payout	1	1	1	3		1	1
Defense Verdict - No Payout	1	0	1	2		0	0
Settlement – No Payout	0	1	0	1		0	0
<i>Lawsuits Closed with No Payout</i>	4	12	5	21	\$0	2	2
<i>% Lawsuits Closed with No Payout</i>	24%	55%	25%	36%		20%	20%
Appeal – with Payout	1	0	0	1	\$268,000	0	0
Plaintiff Verdict – with Payout	0	2	4	6	\$9,218,539	0	0
Settlement – with Payout	12	8	11	31	\$22,714,927	8	8
<i>Lawsuits Closed with a Payout</i>	13	10	15	38	\$32,201,466	8	\$6,429,500
<i>% of Lawsuits Closed with a Payout</i>	76%	45%	75%	64%		8	\$6,429,500
<b>Total Lawsuits Closed</b>	<b>17</b>	<b>22</b>	<b>20</b>	<b>59</b>		<b>10</b>	<b>\$6,429,500</b>

When the OCA closes an employment lawsuit, the primary employment case type is identified. Table 6, below, delineates the employment case type for the 59 lawsuits closed between 2012 through 2014. Eighteen (31%) of the 59 lawsuits were categorized as primarily involving allegations of retaliation when closed by the OCA.

**Table 6 – Types of Employment Lawsuits Closed with Cause of Closure (2012 through 2014)**

Lawsuit Type	Appeal	Demurrer	Dismissal - Court	Dismissal - Voluntary	Summary Judgment	Trial	Settlement	Total
Labor Relations	0	0	1	0	0	0	0	1
Age Discrimination	0	0	0	0	0	0	1	1
Sexual Harassment	0	0	0	0	0	1	1	2
Sexual Orientation	1	0	0	0	0	0	2	3
FLSA	0	0	0	1	1	1	2	5
Gender/Discrimination	0	0	1	0	0	1	4	6
Race/Color Discrimination	0	0	0	0	1	0	5	6
Disability/Medical Discrimination	1	0	0	1	0	0	6	8
Employment – Other	1	0	2	0	2	2	2	9
Retaliation	1	1	2	1	1	3	9	18
<b>Total</b>	<b>4</b>	<b>1</b>	<b>6</b>	<b>3</b>	<b>5</b>	<b>8</b>	<b>32</b>	<b>59</b>
<b>%</b>	<b>7%</b>	<b>2%</b>	<b>10%</b>	<b>5%</b>	<b>8%</b>	<b>14%</b>	<b>54%</b>	<b>100%</b>

To gain a better understanding of the types of lawsuits resulting in large payouts, the OCA provided RMD with a listing of employment lawsuits with payouts of \$100,000 or more from January 1, 2012, through September 30, 2015. There were a total of 30 employment lawsuits that met this criterion, resulting in over \$37 million in payouts.

**Note:** Due to timing differences between payouts and lawsuit closures, the payouts for 2012, 2013, and 2014 do not necessarily relate to the lawsuits closed in those calendar years. Additionally, the year of case payout does not necessarily indicate the current organizational climate of the department, as the behaviors and actions that precipitated the lawsuit may have occurred years before. See Table 7, below.

**Table 7 – Lawsuits Involving a City Payout of \$100,000 or More  
January 1, 2012, through September 30, 2015**

Year	# of Lawsuits	Total Payout	% of Total Payout	Average Payout Per Lawsuit
2012	4	\$3,227,294	9%	\$806,824
2013	7	\$13,565,439	36%	\$1,937,920
2014	13	\$14,498,990	39%	\$1,115,307
2015 (through 9/30/15)	6	\$5,895,381	16%	\$982,564
<b>Total</b>	<b>30</b>	<b>\$37,187,104</b>	<b>100%</b>	<b>\$1,239,570</b>

Twenty-one (70%) of the 30 lawsuits with payouts of \$100,000 or more were settled prior to taking the case to trial. The remaining nine (30%) cases were taken to trial but resulted in an adverse jury verdict. See Table 8, below.

**Table 8 – Settlement vs. Trial for Lawsuits with Payouts of \$100,000 or More  
January 1, 2012, through September 30, 2015**

<b>Settlement vs. Trial</b>	<b>Number of Lawsuits</b>	<b>Total Payouts Associated with these Lawsuits</b>
Settled Prior to a Trial	21	\$20,709,143
Jury Trial with Adverse Verdict – No Settlement	5	\$10,282,982
Settlement After an Adverse Verdict	4	\$6,194,979
<b>Total</b>	<b>30</b>	<b>\$37,187,104</b>

Based on a detailed review of the reasons for these payouts, RMD found that a majority of the lawsuits involved a plaintiff who was assigned to a specialized unit within a geographic Area or a specialized entity when the alleged acts occurred. Specifically, 19 (63%) of the 30 lawsuits involved plaintiffs assigned to a specialized division or specialized unit, 3 (10%) lawsuits involved plaintiffs assigned to a geographic patrol Area, and 8 (27%) involved employees assigned to various assignments over a range of time, or were the result of a lawsuit filed by the Los Angeles Police Protective League (LAPPL). See Table 9, following page.

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**Table 9 – Assignment of Plaintiffs of Lawsuits with Payouts of \$100,000 or More  
January 1, 2012, through September 30, 2015**

<b>Entities involved in 30 Lawsuits</b>	<b>Number of Lawsuits</b>	<b>Total Payouts Associated with these Lawsuits</b>
Geographic Areas <sup>4</sup>	9	\$8,648,884
Traffic Divisions	2	\$8,276,760
Various Assignments	8	\$7,854,741
Gangs & Narcotics Division	2	\$3,919,249
Training Division	3	\$2,750,000
Media Relations Division	1	\$1,552,294
Bomb Squad	1	\$1,439,795
Metropolitan Division	2	\$1,300,000
Commercial Crimes Division	1	\$945,381
Special Investigation Section	1	\$500,000
<b>Total</b>	<b>30</b>	<b>\$37,187,104</b>

***Issues Identified***

Through interviews of various Department personnel, the review of academic research, an analysis of lawsuits with payouts of \$100,000 or more, and the results of previous surveys of Department employees, the Department is focusing on several areas to reduce occurrences and harms associated with workplace conflict, as detailed below.

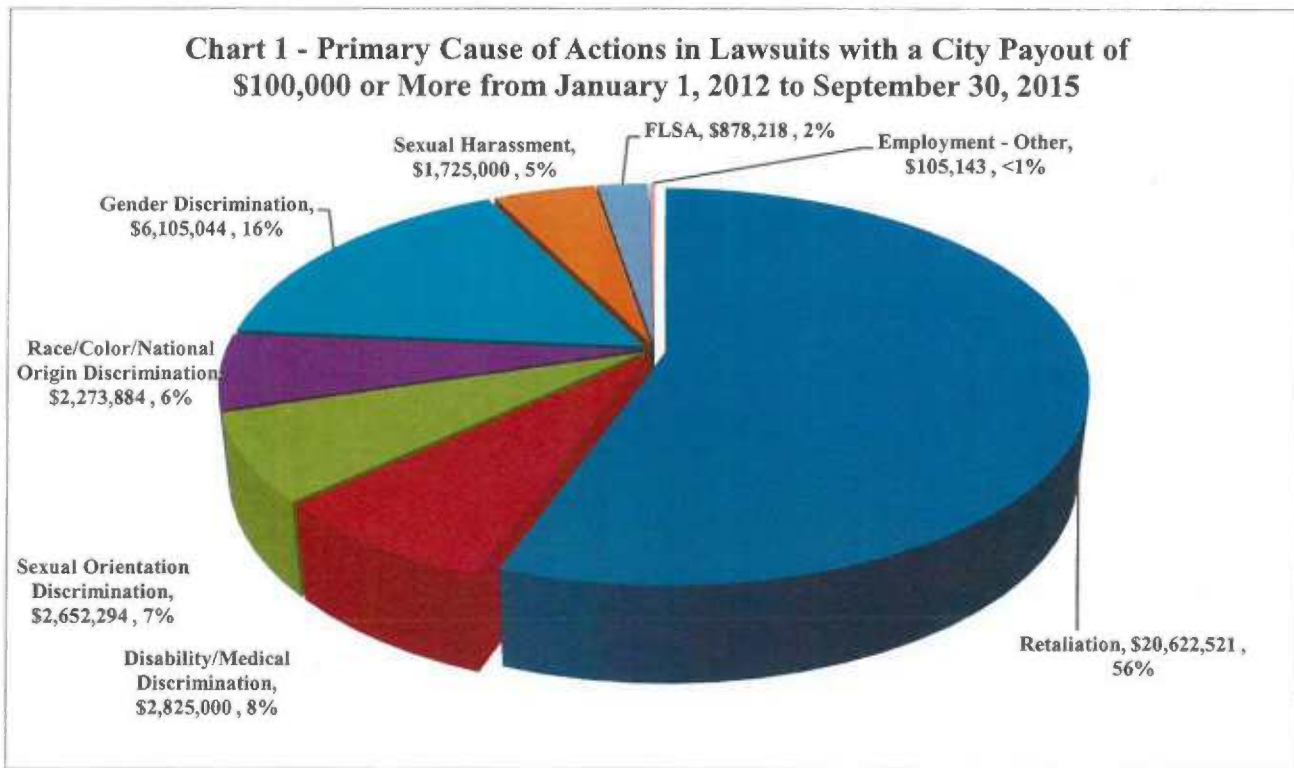
Based on a review of information surrounding 30 lawsuits with payouts of \$100,000 or more from January 1, 2012 through September 30, 2015, the majority of the lawsuits involved claims of retaliation, discrimination, and/or harassment. See Table 10 and Chart 1, on the next page.

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<sup>4</sup> Of the nine lawsuits, three involved employees assigned to patrol units. The remaining six lawsuits involved employees assigned to detective, vice, training, or senior lead officer units within a geographic Area.

**Table 10 – Primary Cause of Actions in Lawsuits with a City Payout of \$100,000 or More  
January 1, 2012 to September 30, 2015<sup>5</sup>**

Primary Cause of Actions	Number of Lawsuits	Total Payouts Associated with these Lawsuits	% of Payout Total
Retaliation <sup>6</sup>	13	\$20,622,521	56%
Disability/Medical Discrimination	4	\$2,825,000	8%
Sexual Orientation Discrimination	3	\$2,652,294	7%
Race/Color/National Origin Discrimination	3	\$2,273,884	6%
Gender Discrimination	3	\$6,105,044	16%
Sexual Harassment	2	\$1,725,000	5%
Failure to Adhere to the Fair Labor Standards Act (FLSA) <sup>7</sup>	1	\$878,218	2%
Employment – Other <sup>7</sup>	1	\$105,143	<1%
<b>Total</b>	<b>30</b>	<b>\$37,187,104</b>	<b>100%</b>



<sup>5</sup> There may have been multiple causes of action associated with these lawsuits. However, these are the primary cause of action as classified by the OCA when the lawsuit was closed.

<sup>6</sup> These lawsuits involved allegations of retaliation after a Department employee (plaintiff) reported allegations of misconduct and/or after the Department employee (plaintiff) testified in/filed a lawsuit against the City. Two of these lawsuits involving allegations of unlawful quotas, resulted in \$8.3 million in payouts.

<sup>7</sup> This lawsuit involved a collective action by multiple plaintiffs.

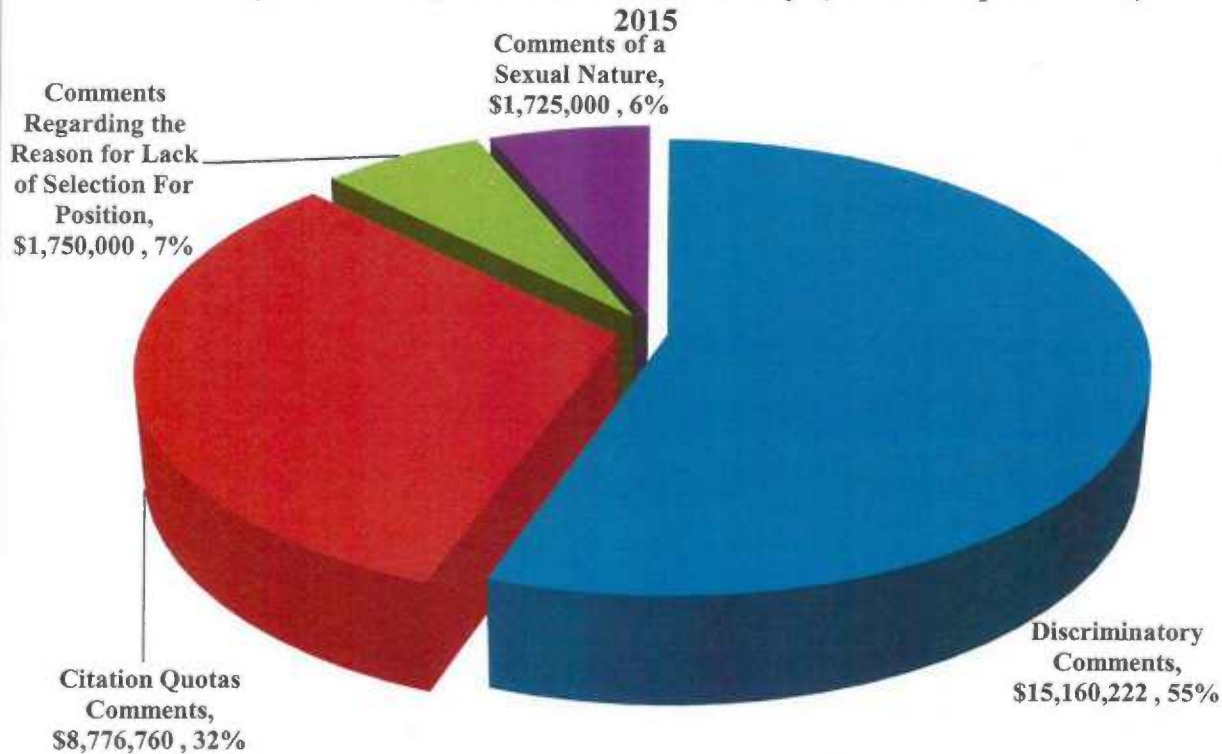
A detailed review of the 30 aforementioned lawsuits also found that 19 (63%) involved allegations of inappropriate comments (verbal and/or documented) in the workplace. See Table 11, below, and Chart 2, on the next page.

**Table 11 – Alleged Inappropriate Comments in the Workplace in Lawsuits with Payouts of \$100,000 or more from January 1, 2012 to September 30, 2015**

Type of Inappropriate Comments	Number of Lawsuits	Total Payouts Associated with these Lawsuits	%
Discriminatory Comments <sup>8</sup>	11	\$15,160,222	55%
Citation Quotas Comments	3	\$8,776,760	32%
Comments Regarding the Reason for Lack of Selection for a Position	3	\$1,750,000	7%
Comments of a Sexual Nature	2	\$1,725,000	6%
<b>Total</b>	<b>19</b>	<b>\$27,411,982</b>	<b>100%</b>

<sup>8</sup> Discriminatory comments included inappropriate comments regarding a person’s sexual orientation, race, color, national origin, gender, medical condition, or disabilities.

**Chart 2 - Alleged Inappropriate Comments in the Workplace in Lawsuits with Payouts of \$100,000 or more from January 1, 2012 to September 30,**



### **Solutions Identified**

Mitigating risk and reducing harm in the workplace requires focused effort to identify interventions and solutions in coordination and collaboration with the entire Department. The following solutions represent this commitment and capture the Department's current efforts.

#### ***Conflict Resolution Training for Department Supervisors***

Mitigating harms stemming from workplace conflict presents a significant challenge to the Department. Analysis of both quantitative and qualitative data identified workplace conflict as a common theme in all four areas of focus. Mitigating harms stemming from workplace conflict requires a well-balanced contribution from external experts and internal resources.

In an effort to identify effective solutions and interventions, the Department partnered with Pepperdine University School of Law's Straus Institute for Dispute Resolution and the Los Angeles Police Foundation.<sup>9</sup> Through grant funding provided by the Los Angeles Police Foundation, the Department was able to work together with Pepperdine University to develop solutions specific to the Department's needs.

<sup>9</sup> Pepperdine University has been named the leading institution in the nation for dispute resolution for eleven consecutive years.

Specifically, with the support of the Department, Pepperdine's team conducted an assessment of the Department's environment and an overview of law enforcement. Detailed analysis of quantitative and qualitative data produced by RMD, plus interviews and observations including location visits, and ride-alongs in patrol and specialized units supported this assessment. The team visited the Department's museum, utilized the Force Options Simulator, attended a BOPC meeting, and met with Internal Affairs Group's WIS. Interviews included Police Commissioners, the President of the LAPPL, the OCA's Risk Manager, and the Managing Attorney for OCA's Employment Litigation Division. The Pepperdine team also spent a considerable amount of time interviewing supervisors at the geographic Areas, and speaking with rank and file. The Pepperdine team conducted these interviews independently without any other Department personnel being present. In addition, numerous meetings in support of this effort were also conducted with the Commanding Officer, RMD, the Department's Risk Manager, the Commanding Officer, Operations-West Bureau, and the Director of the Office of Constitutional Policing and Policy. The Pepperdine Team met with the COP to provide the general findings of the assessment, present the recommended solution, and move forward with this effort.

The resulting solution is an interactive four-day course, consisting of training and coaching. The course, *Conflict Resolution for Law Enforcement Personnel*, is designed to develop the skills necessary for early identification, prevention, de-escalation, and resolution of conflict.<sup>10</sup> Pepperdine's team is delivering the training and includes a filmed opening remark from the COP. The support of the Police Foundation has made it possible to present a total of four initial courses at Pepperdine University's Malibu Campus. Over the next year, the Department plans to send a total of 180 supervisors to this course.

The first course was conducted the week of December 7 through December 10, 2015, at Pepperdine University's Malibu campus.<sup>11</sup> It included a variety of Department supervisors, and the on-site support of Department command. This course will be enhanced further based on surveys and feedback by the initial participants.

The overarching goal of the training is to provide the skills and resources for Department employees address conflict at the lowest possible level as soon as it is identified. This will help prevent minor conflict and disagreements from turning into larger long-term conflict that result in physical, organizational, and financial harms to the Department and it's employees.

#### ***Collaboration with Office of the City Attorney Risk Manager***

The Department and the OCA Risk Manager have partnered to impact all harm areas, including workplace conflict. The aim of this partnership is to provide a conduit for information flow between the entities. The OCA provides information about litigation and claims that the Department can use to identify areas of concern and appropriate solutions. In return, the Department will provide information on the effectiveness of these solutions for possible adoption city-wide.

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<sup>10</sup> <http://law.pepperdine.edu/straus/training-and-conferences/law-enforcement/>

<sup>11</sup> The second course is scheduled to take place from March 21 through March 24, 2015.



### ***Increase Employee Outreach by Ombuds Section***

Upon request, the Ombuds Section offers information on their confidential services at various training courses and at Area/Division meetings, roll calls, and supervisor meetings. In November 2015, information on their services was also posted to the main webpage on the Department's LAN. Additionally, the Ombuds Section has completed the development of a presentation to include a two-hour block covering basic conflict resolution to provide additional insight to employees on how to best resolve unhealthy workplace conflict. Ombuds Section is reaching out to the Department through the methods discussed above to promote the availability of this training.

### ***Overview of Harm Reduction Efforts for Uses of Force, Work-Related Injuries and Employee Involved Traffic Collisions***

#### ***Uses of Force***

From 2009 through 2014, the Department had 10,095 non-categorical and 533 categorical uses of force incidents while engaging in approximately 10 million law enforcement contacts with the public. As of September 30, 2015, the Department had 1,418 non-categorical uses of force incidents, which represents a decrease of approximately 1% over the same time period in 2014. The Department had 83 categorical use of force incidents, including 42 officer-involved shootings (OISs) for the January 1, 2015 through September 30, 2015 time period. For the period of January 1, 2014 through September 30, 2014, the Department had 53 categorical use of force incidents, including 35 OISs. Comparing the two periods, the 2015 numbers represents an increase of 56% for categorical uses of force overall, and an increase of 20% for OISs. The five-year averages for OIS and non-categorical use of force incidents are 36 and 1,464, respectively. For 2015, OIS incidents are 18% greater than the five-year average, and non-categorical incidents are approximately 17% below the five-year average. Despite the low rate of uses of force in relation to the number of contacts with the public, in some circumstances the incident led to significant physical, financial, and organizational harms.

The preservation of life is the utmost goal of the Department. Accordingly, the Department is currently taking several steps to ensure uses of force are appropriate and reduce associated harms:

- Providing preservation of life training to all sworn Department employees. The training focused on the goals of police uses of force, emphasizing that it is the first priority in policing and it is not only about preserving an officer's own life — it is about preserving the life of the people we come in contact with. The training provided officers with a refresher on applicable Department policies, additional training on dealing with members of the public who are mentally ill, de-escalation techniques, and available resources to assist officers in the field (e.g., the Mental Evaluation Unit).
- Purchasing approximately 3,200 TASER XP26 units, with an additional planned purchase of 4,400 TASER XP26 units. To this end, the COP, via Operations Order No. 4, 2015, mandated that all field deployed officers who are trained to use an Electronic Control Device (*i.e.* TASER) shall carry a TASER XP26, utilizing a Department provided holster.

- Preservation of life training will also be reinforced during the Use of Force Update training, which began on October 26, 2015. All sworn personnel are expected to complete the training by December 2016. This training will enhance Constitutional Policing principles and the use of force policy, methods for de-escalation, command and control, and various force options. Officers will be given a chance to re-familiarize themselves with less-lethal force options, such as beanbag, TASER, and oleoresin capsicum (OC) spray.

### *Work-Related Injuries*

There are significant physical, organizational, and financial harms associated with work-related injuries. Each claim reflects an illness or injury to a Department employee. Between 2009 and 2014, the Department received over 21,000 new worker injury claims. During the same time period, worker injury claims accounted for nearly \$165 million in expenditures for medical costs, temporary and permanent disability payments and vocational rehabilitation. This figure does not include the expenses for salary continuation of employees that were not at work.

As of September 30, 2015, the Department received 2,714 new worker injury claims, which represents an increase of less than 1% over the same period in 2014.<sup>12</sup>

In an effort to reduce the financial, physical, and organizational harms associated with work-related injury, several interventions have been identified and are currently in the implementation phase, including:

- Implementation of a new Supervisory Accident Investigation Form.<sup>13</sup> This form is pending Personnel Department City-wide approval. If approved, this form will contain fields that will capture information specific to law enforcement activity (e.g., injured during a use of force). This will allow for more detailed and accurate data analysis to identify trends and assist in developing enhanced harm reduction solutions.
- Development of a formalized letter to be sent to the physicians of employees off work due to work-related injuries that details the Department's ability to provide temporary modified duty assignments. This letter will be provided to the treating physician along with the City's Injury Status Report form. The Department's Medical Liaison Section (MLS), in cooperation with RMD and the OCA, are developing this letter, which is expected to be implemented in January 2016.
- Enhanced accident investigation training, under development by MLS and the OCA, will be incorporated into the Department's Supervisor School in January 2016. This training will provide for more thorough investigations of accidents than the system currently in place. These more thorough investigations coupled with the new Supervisory Accident Investigation Form will provide for timely acceptance of valid claims, and help identify spurious claims.

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<sup>12</sup> For 2015, sworn employees filed 2,436 new claims and civilian employees filed 278 new claims. For 2014, sworn employees filed 2,396 new claims and civilian employees filed 292 new claims.

<sup>13</sup> This form was produced as a collaborative effort including members from the RMD Worker Injury Problem Solving Team, MLS, and the OCA.

- Ergonomics training for sworn and civilian employees, working administrative positions, has been identified as a potential solution to many repetitive motion injuries. Funding for this solution is part of the COP funding priority list.
- The Department also submitted an interim budget request to City Council to add more personnel to Personnel Division to create a new Risk Assessment Unit within MLS. The new Unit will be tasked with dividing all worker compensation claims into bureaus and working with each geographical Area to review and analyze injuries and illness trends for the purpose of implementing preventative measures and to identify areas to reduce the incidence of preventable injuries. Specifically, the new Unit will be responsible for communicating and interacting with the Sick/IOD Coordinators and Department Safety Committees to address safety concerns and issues to reduce and prevent future work-related injuries. In addition, the new Unit will liaison with all involved stakeholders to educate and recommend specific strategies at every level within the LAPD. This will ensure that the Department is proactively seeking solutions to ensure a safer work environment for all of its employees.

The request has been approved by the BOPC but has not yet been scheduled before City Council.

### *Employee Involved Traffic Collisions*

An EITC is a traffic collision involving an on-duty civilian or sworn Department employee. Department employees are required to report all traffic collisions involving Department vehicles whether inside or outside the City, regardless of the level of damage. Any damage, such as minor damage caused from driving through a car wash to serious vehicle damage and serious bodily injury must be reported and are included in the Department's traffic collision statistics.

Of the 2,809 EITCs between 2012 and 2014, 430 (15%) resulted in an injury to a Department employee and 327 (12%) resulted in an injury to a member of the public. However, the vast majority of these injuries involved complaints of pain only, totaling 309 (72%) for employees and 228 (70%) for members of the public. As of July 7, 2015, costs for injuries to employees as a result of these EITCs totaled \$10.8 million as a result of medical expenses and continuation of pay.

As of October 31, 2015, 644 EITCs have occurred, a decrease of approximately 18% from the prior year to date averages. One (.2%) resulted in the death of a pedestrian, one (.2%) resulted in an "A" injury to a member of the public, and 22 (3.4%) resulted in a "B" injury to a member of the public.<sup>14</sup> In regards to injuries to Department employees, four (.6%) resulted in an "A" injury to an employee and 27 (4.2%) resulted in a "B" injury to an employee.

In an effort to reduce the financial, physical, and organizational harms associated with EITCs, several interventions have been identified and are currently in the implementation phase, including:

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<sup>14</sup> An "A" injury is defined as any serious incapacitating injury requiring hospitalization, other than for observation, and prevents the person from walking and driving. A "B" injury is defined as any visible injury as a result of the EITC.

- Enhancing employee awareness and continuing supervisor oversight on the use of seatbelts and safe driving at the geographic Areas through roll call training, seat belt audits and various messaging or signage. In addition, regular messaging is being provided through the RACR newsletter, the Chief of Staff newsletter, ERG's newsletter, and the Strategic Planning Group's newsletter.
- Risk Management Division and Policies and Procedures Division personnel are working on an update to the SBA, which will include an assessment for safe driving and seat belt usage.
- Creating and posting videos to the LAN concerning driving safety, to include personal testimonies of employees who have been involved in on-duty traffic collisions and emphasize the necessity of wearing seat belts.
- Working with Communications Division and the Office of Operations to broadcast messages over the patrol radio channels pertaining to seatbelt usage and safe driving. Communications Division has agreed to support this messaging. Details pertaining to frequency of message, length, etc., are being finalized.
- Exploring acquisition of four law-enforcement driving simulators to place within each geographic Bureau.
- Continuing to pilot the use of telematics in black and white vehicles. The Department possesses 100 telematics units. Currently 80 units are deployed to the following geographic Areas: Hollywood, Central, West Los Angeles, Northeast, Newton, the Emergency Vehicle Operations Center, and Information Technology Bureau. The remaining 17 units will be deployed by the end of the year.
- Implementing the "slap on the wrist" traffic safety program for pedestrians. Violators are warned for the pedestrian violation and given a highly visible and reflective wristband as a reminder to obey the rules of the road, promote safety, and build community trust. The Department recently identified funding to implement this program in 2016.

## **Conclusion**

The ongoing implementation of the Department's Harm Reduction Strategy has resulted in the beginning of substantial change not only structurally, but also culturally. The rolling implementation of RMC's, along with the Area Commanding Officers response to the position, and the emphasis on harm reduction at the tactical level, has shown the need and value of having a risk management position at the Area. Combined with messaging, this is helping spread awareness of the Strategy which will ultimately result in the Department becoming a safer and healthier organization that shows respect for, and is in turn respected by, both Department employees and the public.