



Fantasy-based policing

On May 2, 2017, the Police Commission adopted the recommendations of the Inspector General (IG) in a report titled "Review of National Best Practices." This report compared LAPD to two documents that purported to be the latest, greatest views on policing. The first was the "Final Report of the President's Task Force on 21st Century Policing," which was put together and published in 90 days by a committee of police executives and college professors at the direction of President Obama. The second was "Guiding Principles on Use of Force" published by the Police Executive Research Forum (PERF), an East Coast think tank. Conveniently ignored in the IG report is the fact that this PERF report was roundly criticized by the International Association of Chiefs of Police, the California Peace Officers' Association, the California Police Chiefs Association and the California State Sheriffs' Association, among others. Nevertheless, these reports are taken as the gospel to be followed in changing the LAPD.

It would take a book to comment on all of the contemplated changes envisioned by the Police Commission based in these recommendations, but let me hit some of the highlights, both good and bad, that will directly affect the day-to-day job of being a police officer in Los Angeles.

Training, training, training

We are going to need another 1,000 police officers to patrol the streets to cover for all of the training that will take you off patrol. Not that training is bad, it's just that it is a fantasy to believe that this much training can be mandated without directly affecting deployment. Entire probation classes are going to be brought back for two weeks of training in their 11th month, then again in their third year. A series of four-hour training sessions on implicit bias will be given to all officers. Fair and impartial policing training will be put into recruit training, FTO training, Supervisor School and command development training. More cultural diversity training is contemplated. Because of the new proposed policy to administer first aid after a use of force, everyone will be put through recertification in first aid training.

If you do actually get on the streets, there will be a new emphasis on stop data with new fields required to be filled out. The Department is in the process of building applications into phones. Non-categorical use of force investigations will be prolonged and complicated by requiring individual statement forms to be filled out. And there will be a new emphasis on making sure officers are engaged in community activities.

You are all biased, if not racist

The Police Commission is still in disbelief that Internal Affairs cannot convict at least one officer of racial bias. Efforts from the Constitutional Policing Unit will continue working on that, but the newest effort will be on exposing and curing implicit bias (bias that you don't know you have). The IG noted that resistance to the bias training currently being given by the Department was occurring in the more tenured officers. The recommendation is for the Department to ensure that the selection of FTOs be from those who demonstrate "cultural and community sensitivity." Hear warning bells, FTOs! The report says this:

"The Department should consider whether FTOs who reject or are otherwise unable to satisfactorily complete the Fair and Impartial Policing component of the recertification course, or who demonstrate a lack of community or cultural sensitivity, should continue to train new officers."

Furthermore, sergeants are going to be given training and direction in how to detect bias.

"For supervisors, strategies include ways for them to identify and address potentially biased policing in their subordinates. Indications of possible bias may be found in statements made by the officers, the use of boilerplate language or conclusions that do not appear to be well supported, or the application of a 'standard operating procedure,' whether positive or negative, when interacting with a certain group."

These standards are so vague that anyone on the Department with a dislike for an officer can find some incident, phrase or report that can be twisted to allege bias. FTOs stand in particular danger when they "unsat" a probationer who perceives that they may be about to lose their job, as do supervisors who use any kind of negative discipline against an officer. The first shot back will all too often be an allegation of bias. How does one disprove such an allegation when the Department position is that everyone is biased?

The anti-bias policy is also going to be expanded to include immigration status, housing status, occupation and language fluency. Sounds like filling out an FI card can be career suicide. It won't be long before the suspects on the street realize how much damage they can cause by alleging bias on each stop. We will be spending so much time investigating each other that the criminals on the street will get a free pass.

Internal procedural justice

This should be a ray of sunshine in an otherwise cloudy sky. The IG's report recognizes that the concept of procedural justice applies internally to the Department as well as externally to the citizens. *"A person's belief that they have been treated fairly during an encounter or proceeding is often more important to establishing a sense of legitimacy than is the outcome of that encounter or proceeding."* That applies to officers too, the IG says. *"Similarly, the way an officer is treated during a disciplinary process may have more of an impact on their perception of the system's fairness than does the ultimate outcome."*

The message from the League has finally got through after years of lawsuits, grievances and, now, even a Charter change. The IG recommends: *“The Department should conduct an in-depth evaluation of the disciplinary system, to include an employee survey, and identify ways to improve procedural justice internally.”* The League will be watching this one closely. Will the same zeal be applied here by the Department and the Police Commission as to the other recommendations?

Gang member wants to know the name of officer who shot his buddy? No problem. It’s online.

Transparency is the watchword, and internet is the answer, according to the IG report. Our manual, special orders and training information will be online. No sense in surprising the bad guys with our tactics and procedures. Also, all the bad stuff about us over the years, such as the Christopher Commission Report, the Rampart Report and the Consent Decree, will be posted online.

The most troubling is that a new web page has been developed and is now online for all shootings. It gives the suspect’s name, report number, location and contains links that will connect to a detailed report of what happened, the officers’ names, and the Police Commission’s ruling on the appropriateness of the tactics, drawing and exhibiting, and use of force. Nowadays, the officer’s home address is not that hard to find on Google, so this is a major concern.

Data piled on more data

We don’t collect enough data, according to the IG report. For instance, no one tracks misses when we use the bean bag and Taser. Also, stop data is not being properly used.

*“The Department should develop, in consultation with the Commission and the OIG, systems and mechanisms for the analysis of stop and search data to **identify potential evidence of disparate treatment, implicit or explicit bias, differential enforcement practices, or Fourth Amendment concerns.** As part of this process, it shall present the findings of the recent evaluation of the TEAMS II Early Warning System to the Commission and discuss the extent to which stop data could be incorporated into its framework, along with other tools for analysis.”* (emphasis added in bold)

The importance of stop data is going to be elevated to a new level. Beware! *“The data could also assist in identifying officers or units that disproportionately conduct searches based on reported probable cause that do not yield contraband.”* You should be aware of your stop data results. The Department should (but won’t) send each officer a stop data summary each month so that an officer becomes aware that he or she is stopping too many persons of one minority or another, or is doing too many searches, or any other problems that raw statistics can be twisted into showing. Then take action to balance your profile. Once you have crossed some imaginary statistical threshold, you will be on the defensive, and it’s too late.

Just to be sure nothing is missed: The raw data is going to be posted online on the City’s Open Data website. If the Department doesn’t analyze the data enough, you can be sure the ACLU will.

What next?

As each of these recommendations are rolled out, the League will be demanding meet and confers (and maybe filing lawsuits). To its credit, the Police Commission has recommended that the League be involved in the conversations, and so does the IG report. You can be sure that we will be involved to the max. In the meantime...

Be legally careful out there.

Links to various things in this article are at www.warningbells.com.