

Initial OIG E-Mail Request

From: Williams, Dara
Sent: Monday, February 3, 2020 5:24 PM
To: Glaviano, Georgina R.
Subject: Meetings and CPA Responsibilities

Georgina,

Thank you again for meeting with me. Since we recently met, shall we start having our monthly meetings on March 6th? I can meet anytime beginning at 9:00 am. Also, you mentioned that you would be able to give me an overview of the CPA responsibilities based upon some changes that the Department is making. If you could get that to me when you have a chance, I would greatly appreciate it.

Best wishes,
Dara

Dara Williams, Assistant Inspector General
Los Angeles County Office of the Inspector General
312 S. Hill Street, 3rd Floor, Los Angeles, CA 90013

Department Email Response

From: [Lopez, Mark A.](#)
To: [Williams, Dara](#)
Cc: [Chau, Veronica](#)
Subject: CPA Policies
Date: Monday, June 15, 2020 12:22:56 PM
Attachments: [SCANSTN-437 SMTP via LDAP 06-08-2020 12-50-41.pdf](#)

Hello Ms. Williams,

Hope you had a good weekend. Georgina Glaviano informed me you had a conversation with her about the Department's Constitutional Policing Advisor (CPA) Policy. I have attached all the policy sections pertaining to, or involving the CPA. The very first one in the attachment is the section (3-04/020.06) that was revised most recently, which was February 26, 2020. I believe this section might have been the one you were looking for. If not, please let me know.

Regards,

Mark

Lieutenant Mark Lopez
Audit and Accountability Bureau
901 Corporate Center Drive, Suite 310
Monterey Park, CA 91754

Department Response Attachment

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3-04 /020.06 - Administrative Investigations - Constitutional Policing Advisors

[< 3-04/020.05 - Initiation of Administrative Investigations \(Niewer/Manuals/10008/Content/10846?source=TextSearch&searchQuery=cpa\)](#)

[3-04/020.10 - Employee Relieved of Duty for Disciplinary Reasons > \(Niewer/Manuals/10008/Content/10848?source=TextSearch&searchQuery=cpa\)](#)

Constitutional policing advisors (CPAs) shall be afforded the opportunity to review investigative, disciplinary, and other documents generated or received by this Department.

CPAs shall be afforded access to internal or external investigation, communication, and/or memorandum including, but not limited to, personnel investigations (whether conducted by an individual bureau, station, unit, detail, the Internal Affairs Bureau, or the Internal Criminal Investigations Bureau); Homicide Bureau investigations into any deputy-involved shooting or inmate death; any use of force investigation or investigation into a non-hit deputy-involved shooting; any civil claim or lawsuit information; any Watch Commander's Service Comment Report and attendant documentation; and/or any other similar document as necessary.

If a CPA determines a case requires additional investigation, the concerned unit commander shall discuss the case with the CPA to determine the level of additional investigation proposed. Any dispute regarding the need for and/or scope of additional investigation shall be addressed by the CPA through the concerned unit commander's chain of command.

The case shall then be forwarded to the concerned area commander and division chief or division director, irrespective of the disposition, for review. If a CPA did not concur with the findings and/or discipline, no disposition shall be made until after the CPA has had the opportunity to address the case through the Department's chain of command. No proposed disposition shall be communicated to the involved employee(s) until after the CPA has been provided the opportunity to address the case through the concerned unit commander's chain of command.

If an employee appeals the findings or discipline after the letter of imposition has been served, the concerned division chief or division director shall consult the CPA prior to offering the employee a settlement agreement changing the findings or discipline.

Before making a final determination to inactivate a case, the division chief or division director shall consult the CPA.

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3-04/020.30 - Internal Administrative and Criminal Investigations

[< 3-04/020.28 - Effective Date of Revisions to Findings \(Niewer/Manuals/10008/Content/10854?source=TextSearch&searchQuery=cpa\)](#)

[3-04/020.35 - Notification to Complainant > \(Niewer/Manuals/10008/Content/10856?source=TextSearch&searchQuery=cpa\)](#)

All administrative investigations, whether investigated by the unit or the Internal Affairs Bureau (IAB), shall be completed 120 calendar days before the expiration of the statute date for cases involving sworn personnel and, absent good cause, shall be completed within 240 calendar days from the date of Department knowledge for cases involving non-sworn personnel.

When an administrative investigation is completed at the unit level, the unit commander shall adjudicate the case and determine an appropriate disposition. The case shall then be forwarded to the concerned area commander, division chief, or division director for review. The case shall be forwarded to the constitutional policing advisor (CPA), if the case is being monitored by the CPA, for review.

When an administrative investigation is completed by IAB, the completed case file shall be sent to the unit commander of the unit that the subject(s) was assigned to at the time the incident occurred, or to the unit where the subject was working overtime, CARPing, or loaned at the time the incident occurred, and to the CPA, if the case is being monitored by the CPA, within five business days. The unit commander shall adjudicate the case and determine an appropriate disposition. The case shall then be forwarded to the concerned area commander and division chief or division director, for review.

NOTE: Department managers shall consult with a CPA on cases being monitored by the CPA and should consult with the Advocacy Unit when adjudicating an investigation.

The disposition sheet shall be prepared by the unit that adjudicates the case and processed through the concerned division. It shall be forwarded to IAB (along with the completed investigation) according to the following time frames:

- Within 30 calendar days after completion of the investigation and no later than 90 calendar days before the statute date for cases involving sworn personnel; or
- Within 30 to 90 calendar days after completion of the investigation for cases involving non-sworn personnel.

The area commander and division chief or division director shall review all adjudicated investigations. The concerned unit commander may impose a written reprimand or a suspension of up to 15 days for violations of the Department's Manual of Policy and Procedures.

The concerned division chief or division director may impose a suspension of 16 to 30 days.

NOTE: Division chiefs and division directors may, without further review, remove an employee from bonus status ("Bonus removal") for a violation(s) of the Manual of Policy and Procedures.

When a division chief or division director determines that the discipline is to be a demotion or discharge, the case shall be presented to the Department's Case Review Committee no later than 45 calendar days prior to the expiration of the statute for cases involving sworn personnel. The committee will assess the factors pertaining to the findings and discipline.

Criminal investigations of employees are monitored by IAB:

- When an internal criminal investigation is completed (which is the date the Internal Criminal Investigations Bureau (ICIB) Captain signed the ICIB case cover), ICIB shall advise the employee's unit, IAB, and the CPA within five business days of the completion. ICIB shall also provide IAB with a copy of the criminal investigation within five business days. IAB will close the criminal monitor and forward the investigation to the unit within ten business days. The unit must review the criminal investigation and make a recommendation regarding the disposition to the concerned area commander and division chief or director within ten business days. The recommendations include inactivation, referral for administrative investigation by IAB, or initiation of a unit-level administrative investigation; or
- When IAB receives a completed outside agency criminal investigation, IAB shall advise the CPA within five business days of receipt of the criminal investigation, and shall close the criminal monitor and forward the criminal investigation to the employee's unit within ten business days. The unit must review the investigation and make a recommendation regarding the disposition to the concerned area commander and division chief or division director within ten business days. The recommendations include inactivation, request for an administrative investigation by IAB, or initiation of a unit-level administrative investigation.


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3-04/020.80 - Modify Findings And/Or Discipline


< [3-04/020.60 - Delegation of Disciplinary Matters \(Niewer/Manuals/10008/Content/10860?source=TextSearch&searchQuery=CONSTITUTIONAL%20POLICING%20ADVISOR\)](#)

[3-04/030.00 - Procedures for Responding to Complainant Dissatisfaction with Department Service Reviews and Administrative Investigations > \(Niewer/Manuals/10008/Content/10862?source=TextSearch&searchQuery=CONSTITUTIONAL%20POLICING%20ADVISOR\)](#)

If a division chief or division director is considering changing the findings and/or discipline after conducting a Skelly or grievance hearing in an investigation for which a determination has already been made and approved by the Case Review Committee, then the division chief or division director shall present the reason(s) to the Case Review Committee at a re-hearing.

There must be sound justification for changing findings and/or discipline. When considering making a change, the division chief or division director shall confer with the chair of the Executive Force Review Committee (EFRC), Executive Traffic Risk Review Committee (ETRRC), and/or Equity Oversight Panel (EOP) if the case was heard by one of those panels. In the event the chair opposes the suggested change, then the division chief or division director shall obtain concurrence of the assistant sheriff to request a re-hearing by the Case Review Committee.

If discipline has been imposed and the discipline is being appealed to the Civil Service Commission and there are discussions about settling the case, the division chief or division director shall consult with a constitutional policing advisor and then obtain concurrence from the Undersheriff prior to entering into a settlement agreement.

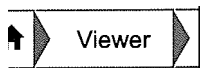
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3-09/330.00 - Critical Incident Review Panel

< 3-09/325.00 - Case Review Committee (Niewer/Manuals/10008/Content/11234?

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3-09/330.05 - Shooting Analysis Committee> (Niewer/Manuals/10008/Content/11236?

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Professional Standards Division (PSD) manages and maintains administrative responsibility for the Critical Incident Review Panel (CIRP). The CIRP shall be comprised of three commanders, and shall perform timely preliminary risk management and professional best practice analysis of critical incidents, such as:

- Deputy-involved shootings;
- In-custody deaths in the patrol environment;
- Any application of deadly force; or
- Any other major incident identified by the CIRP, the Sheriff, or Department executives holding the rank of captain/director or above.

The CIRP shall identify and implement (where appropriate) risk management strategies to ensure best practices and limit the Department's exposure to liability.

CIRP Panel Members

Commander Selection

Three commanders designated by the Sheriff or their designee and a designated alternate commander shall be empaneled. A commander designated by the Sheriff or their designee shall chair the CIRP. A commander will not be empaneled to hear an incident from his/her own division.

CIRP Panel Participants

The Critical Incident Review process is Privileged and confidential; therefore, participants shall be limited to the following personnel or designated unit representative:

Executive Offices (for executive oversight and Department accountability)

Office of the Sheriff

- Audit and Accountability Bureau (AAB) captain and/or designee(s)
- Constitutional Policing Advisor
- Los Angeles County Counsel

Office of the Assistant Sheriffs

- Assistant Sheriff(s)

Professional Standards Division (Personnel and risk management accountability)

- Designated CIRP commanders
- Division chief and/or commander
- Executive Force Review Committee (EFRC) chairperson
- Internal Affairs Bureau (IAB) captain and/or designated lieutenant and concerned investigators
- Internal Criminal Investigations Bureau (ICIB) captain (as needed)
- Representative(s) from Risk Management Bureau

Concerned Division (chain of command responsibility/accountability)

- Division chief and/or commander
- Unit commander
- Training sergeant and master field training officer (MFTO), except Shooting Analysis Committee (SAC) reviews, section 3-09/330.10

Racial Operations Division (tactical/racial investigations advisory)

- Unit commander of the Special Enforcement Bureau (SEB) and/or designated lieutenant
- Unit commander of the Emergency Operations Bureau (EOB) (as needed)
- Unit commander of the Criminal Intelligence Bureau (CIB) (as needed)

Detective Division (investigative command responsibility/accountability)

- Concerned unit commander and/or designated lieutenant
- Assigned investigator(s)

Administrative Services Division responsibility/accountability)

- Representative from Psychological Services Bureau (as needed)

Personnel Command responsibility/accountability)

- Training Bureau unit commander and/or designated lieutenant

CIRP Process

The CIRP shall meet weekly, or as needed, at a time and place designated by the chairperson. Absent extenuating circumstances, the CIRP will analyze incidents occurring within the previous week. The assigned investigator(s) shall present an overview of the incident. Information from the concerned division chief, concerned area commander, concerned unit commander, and/or any of the other assembled experts may supplement the presentation.

The CIRP shall not determine whether the incident was within existing policy nor shall the CIRP recommend disciplinary action. The specific intent of the CIRP is to identify risk management concerns related to policy, training, tactics, current Department practice, and/or the actions of the employee(s) involved in the critical incident.

The review and analysis of each critical incident shall be completely objective and in the best interest of the Department, Department members, and communities we serve. Actions/Recommendations by the CIRP shall not preclude the EFRC from taking additional remedial actions as a result of its independent analysis.

The CIRP shall reach a majority decision regarding proposed remedial measures and make its recommendation to the concerned division chief(s) and the concerned assistant sheriff(s). Absent the chief(s) and assistant sheriff(s) concurrence, the Sheriff shall make a final decision.

The CIRP has authority to direct a temporary restriction and/or reassignment of involved personnel as outlined in this section.

Critical Incidents

Upon preliminary and subsequent analysis, and in collaboration with county counsel, the CIRP will identify any risk issues and, where appropriate, implement risk management/remedial measures. Risk management/remedial measures may include, but are not limited to, the following:

- Promulgating and distributing training bulletins;
- Scheduling involved personnel for immediate (non-punitive) training (rather than waiting for the conclusion of the investigation and/or EFRC process);
- Expediting an early response from the Civil Litigation Unit for the settlement of potential claims;
- Reassignment (permanent or temporary) of involved personnel;
- Identifying deficiencies in Department policy/protocols, training, and/or training curricula;
- Recommending an expedited investigation to accelerate the EFRC process; and/or,
- Recommending the concerned unit commander initiate a community outreach effort to dispel rumors, correct inaccurate information, or address general concerns.

Department Shooting Incident

For deputy-involved shootings that are reviewed by the CIRP, all critical incident CIRP measures articulated in section 3-09/330.00, Critical Incident Review Panel, shall be followed including:

- Involved employees shall be placed into a Preventive Action Plan (PAP), section 3-09/330.10, as directed by the CIRP. This process shall be completed prior to the employee being returned to regular field duty; and
- All employees involved in a current shooting incident under review by the SAC shall be removed from regular field duty until the CIRP process is completed.

When Department members are involved in a third or subsequent shooting, or when a shooting incident necessitates an immediate assessment of tactics, training, and/or risk management factors, the CIRP will convene a SAC review, section 3-09/330.05. Additionally, a SAC review may be ordered for any shooting at the direction of the Sheriff or their designee.

In instances wherein temporary reassignment and/or restriction of involved personnel is deemed necessary, section 3-02/040.41, Administrative Reassignment of Personnel - Loans, shall be followed. If reassignment is approved by the designated assistant sheriff, the matter shall be referred to the Performance Mentoring Committee for review and further assessment.

If it is determined that a reassignment is necessary, that information shall be documented in a memorandum from the CIRP chairperson to the Risk Management Bureau captain. This memorandum shall be entered into the Performance Recording and Monitoring System (PRMS) under the employee's Special Conditions module and accessible for review by authorized supervisory personnel.

Administrative Monitoring

PSD shall have overall administrative responsibility and control of the CIRP process. Responsibilities of the PSD include:

- Scheduling the CIRP meeting(s);
- Maintaining the tracking of CIRP activities and follow-up; and
- Completing, distributing, and archiving CIRP related documentation (e.g., CIRP decisions, recommendations, action taken, and PRMS information entry into the Special Conditions module).

The concerned unit commander is responsible for creating the Preliminary Data Entry (PDE) for the Special Conditions module for the concerned employee so that information can be entered by the Risk Management Bureau.

The decisions of the CIRP shall be forwarded via official Department memorandum from the CIRP chairperson to the concerned employee's division chief. The concerned division chief shall be responsible for ensuring that the concerned employee(s) is notified of the CIRP decision by the concerned unit commander, who shall provide a copy of the memo to the concerned employee(s).

The concerned unit commander shall be responsible for initiating and completing all assigned risk management/remedial measures within the allotted time prescribed by the CIRP and for reporting to the CIRP once they have been completed.

The concerned unit commander shall be responsible for initiating and completing all assigned PAP risk management/remedial measures within the allotted time prescribed by the CIRP and for reporting to the CIRP once they have been completed.

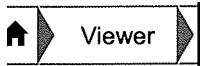
All records and documentation supporting the completion (or non-completion) of assigned PAP risk management/remedial measures shall be forwarded to the CIRP for review. If actions of risk management/remedial measures are analyzed and found to be unacceptable, additional measures may be ordered to fulfill the measure(s).

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3-09/330.05 - Shooting Analysis Committee

< 3-09/330.00 - Critical Incident Review Panel (Niewer/Manuals/10008/Content/14069?
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3-09/330.10 - Preventative Action Plan > (Niewer/Manuals/10008/Content/11237?
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The Shooting Analysis Committee (SAC) will be convened at the request of the Critical Incident Review Panel (CIRP), MPP section 3-09/330.00, when a Department member is involved in a third or subsequent shooting, or in any shooting incident necessitating an immediate assessment of tactics, training, and/or risk management factors. Additionally, a SAC may be ordered for any shooting at the discretion of the Sheriff or his designee.

The purpose of the SAC is to make a thorough, objective, and professional assessment of the most-recent shooting as well as all past shootings involving the same employee from a tactical, training, and risk management perspective.

The SAC shall not review any incident(s) for the purposes of directing or recommending potential discipline. The SAC will report back its findings to the CIRP within 30 days. If there was an initial critical incident review of the shooting by the CIRP, any decisions and/or recommendations made at that time should be considered by the CIRP at this subsequent review.

A partnership between all investigative units shall exist to allow shared access of case information. It will be the responsibility of each investigative unit commander to ensure the SAC has access to all case information.

Shooting Analysis Committee Process

The Audit and Accountability Bureau (AAB) has administrative responsibility of the SAC process. The SAC is chaired by the captain of the AAB and comprised of the following Department representatives:

- AAB Shooting Review Team lieutenant and team investigators;
- Constitutional Policing Advisor;
- Chief Legal Advisor or designee; and
- Advisory lieutenant from the following units:
 - Homicide Bureau (investigative analysis) for hit-shootings only;
 - Training Bureau (training analysis);
 - Risk Management Bureau (risk management analysis);
 - Special Enforcement Bureau (tactical analysis);
 - Internal Affairs Bureau (policy and procedures analysis, investigative analysis for non-hit shootings); and
 - The involved employee's unit of assignment (for additional incident information).

The review will be completed within 30 days from CIRP assignment (unless otherwise directed by the CIRP and/or AAB captain). The AAB shooting review investigator(s) shall be responsible for the following:

- Distributing and collecting SAC confidentiality agreements;
- Collecting all relevant documents and information (e.g., IAB case files, Homicide Bureau case files, EFRC findings and recommendations, Performance Recording and Monitoring System (PRMS) records, training records, etc.) of the recent shooting, prior shootings, and/or additional information pertinent to the review process;
- Analyzing all documents for fact-based information related to tactics, training, risk management, and best practices;
- Creating a comparative fact-based analysis for the SAC;
- Presenting investigative analysis to the SAC for CIRP recommendations;
- Generating a final SAC report(s);
- Distribution of the final SAC report(s);
- Delivering a final SAC presentation to the CIRP.

The CIRP and SAC process is a confidential review, and all Department members participating are held to a standard of full confidentiality. Control measures of confidential information shall be applicable as it relates to all communications, findings, and recommendations made during the SAC and CIRP process, as directed under Confidential Information, MPP section 3-01/040.95.

Considering the information reviewed may be part of an active investigation, the SAC analysis shall only be reported to the CIRP and any participants responsible for the investigation or oversight of the concerned shooting.

Administrative Monitoring

The Audit and Accountability Bureau maintains administrative responsibilities over the SAC process. Responsibilities include:

- Tracking and maintaining records of SAC assignments;
- Maintaining the SAC's final report and a copy of the CIRP presentation indefinitely.

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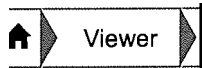
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3-10/140.00 - Executive Force Review Committee

< 3-10/130.00 - Activation of the IAB Force/Shooting Response Teams (Niewer/Manuals/10008/Content/11255?

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3-10/150.00 - Tactical Incidents> (Niewer/Manuals/10008/Content/11257?

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The Executive Force Review Committee (EFRC) is comprised of three area commanders, one of whom shall be designated as the chairperson by the Professional Standards Division chief.

The EFRC shall evaluate every shooting and force incident wherein the activation of an Internal Affairs Bureau (IAB) Force/Shooting Response Team is required pursuant to section 3-10/130.00, Activation of IAB Force/Shooting Response Team.

The EFRC shall meet regularly to review and evaluate all cases enumerated above. In addition to the concerned employee's unit commander, meeting participants shall include the Internal Affairs Bureau investigator, as well as representatives from the Training Bureau, Advocacy Unit, and Risk Management Bureau.

The members of the EFRC shall be provided copies of the IAB Force/Shooting Response Team's investigations prior to each meeting. In addition, documents may be provided by the Training Bureau, Risk Management Bureau, or any other relevant/appropriate Department bureau or unit. Based on these reports, the members of the EFRC shall evaluate each incident and determine if the conduct of Department personnel was within established policies and/or consistent with established procedures. The EFRC members shall also evaluate the tactics of the personnel involved, whether the actions of Department personnel were consistent with Department training, and whether Department members used/deployed proper safety equipment.

After their initial review of the incident, the members of the EFRC may 1) make a finding and determine the level of discipline if the EFRC determines that the investigation has revealed that an employee violated Department policy, or 2) return the case for additional investigation and direct that the case be re-presented to the EFRC for disposition.

NOTE: An administrative or criminal investigation may be opened at any time during the force/shooting investigation, if warranted (refer to MPP section 3-10/130.00, Activation of IAB Force/Shooting Response Teams).

The EFRC chairperson shall report the finding of the EFRC to the concerned employee's unit commander via memorandum. If the employee's conduct is determined to be in violation of established Department policy, the specific Manual of Policy and Procedures section(s) shall be cited. Exemplary performance or conduct will also be acknowledged and appropriate commendations recommended. Similarly, recommendations to debrief involved and/or uninvolved personnel, provide additional training, or conduct counseling also are included in the final memorandum. Issues concerning tactics, training, and/or policy revisions shall be cited and a memorandum forwarded to the appropriate Department unit/bureau for consideration.

NOTE: In cases where the EFRC fails to reach a unanimous decision, the matter will be referred to the chief of Professional Standards Division for review and resolution before the case is adjudicated and/or any findings are published. If a unanimous decision still cannot be reached, the chief shall be responsible for arranging a presentation of the case facts

to the Sheriff for a final decision.

The findings of the EFRC shall be forwarded to the concerned employee's unit commander. Within thirty (30) business days, the concerned unit commander shall evaluate the EFRC's findings, act on their recommendation(s), document his/her actions, and return the documents, through channels, to the EFRC chairperson. If the EFRC has determined that a violation of an established policy occurred, the EFRC shall identify the policy violation(s) and determine the appropriate level of discipline for each employee deemed to have violated Department policy.

In the event the concerned unit commander disagrees with the findings and/or recommendations of the EFRC, the dissent must be articulated in a memorandum to the concerned division chief or division director. The unit commander shall also consult with a Constitutional Policing Advisor before forwarding the memorandum to his or her division chief or division director. The division chief or division director shall present the matter to the chief of the division for review and concurrence before the case is adjudicated and/or any findings are published. If a concurrence cannot be reached, the Professional Standards Division chief shall be responsible for arranging a presentation of the case facts to the Sheriff for a final decision.

The concerned unit commander is responsible for ensuring adherence to any recommendations by the EFRC. Any action taken shall be documented by the concerned unit commander on the "Unit Commander Response" and returned to the EFRC chairperson.

The entire IAB Force/Shooting Response Team case file, including all reports and documents describing the EFRC's findings and recommendations, the concerned unit commander's response, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets shall be maintained by the EFRC staff. All appropriate databases shall be updated based upon the information contained within the IAB Force/Shooting Response Team case file.

10/27/2018

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