

CONSENT DECREE

The LAPD is currently operating under a consent decree which is a legally binding agreement between participating parties and approved by a judge.

On November 2, 2000, the Los Angeles City Council and Mayor James Hahn approved the current decree which had been negotiated between the city and the Department Of Justice. At that time, U.S. Federal Judge Gary Feess was appointed to oversee the decree and a Taskforce was created to coordinate, plan, track, monitor, and report on LAPD's compliance. Kroll International was appointed by the court as the "Independent Monitor". The Monitor functions as an agent of the Federal Court and is responsible for the reporting of the LAPD's compliance to Judge Feess. After much administrative planning, the Decree was formally entered into law on June 15, 2001. 1

The decree came on the heels of the report of the Rampart Commission which dealt with the discovery and disclosure of the Rampart Area Corruption Incident. The U.S. Department of Justice notified the city of Los Angeles that it would file suit accusing the LAPD of engaging in a pattern of excessive force, false arrests, and unreasonable search and seizures. The city denied the allegations in the complaint but to avoid costly litigation and to promote professional policing the city entered into the decree. 2

It was instituted for a minimum of 5 years during which the Department must show ongoing compliance. Intended to promote integrity and prevent civil rights violations, it places emphasis in 9 major areas.

- Management and supervision of civil rights integrity
- Critical incident procedures, documentation, investigation, and review
- Management of gang units
- Management of Confidential Informant Program
- Development for response to persons with mental illness
- Training
- Integrity audits
- Operations of the Police Commission and Inspector General
- Community outreach and public information

At the time the Consent Decree was negotiated, the Department formed the Consent Decree Taskforce (CDTF) to plan for, administrate, and track the Department's compliance with the guidelines of the Consent Decree. A Civilian Deputy Chief, Gerald Chaleff was named as the administrator. He oversees a staff of 201 and a budget of 55 million dollars (projected 2008) .

The three largest departments within the Consent Decree Bureau are the Audit Bureau, Civil Rights Integrity Division, and the Risk Management Division.

It was necessary that the Department inform and train employees in the new operational procedures and policies regarding the Consent Decree. 3

At the time of its inception, Police Chief Bernard Parks said: "Compliance with the Consent Decree is the baseline for, and not the ultimate standard by which the Department's commitment to excellence will ultimately be measured". 4

The Consent Decree contains many generic standards that are already existing policy but with the decree comes a stringent set of monitoring guidelines. There is a tremendous reliance and much reference to the TEAMS II (Training Evaluation and Management System, second generation) computer database. This database is able to record all uses of force, pursuits, internal investigations and citizen complaints, awards and commendations, civil lawsuits, performance evaluations and training history. When making a stop or an arrest the officers involved must include demographic information about the officer and the citizen involved. TEAMSII database is the core of the Consent Decree and all other provisions relate back to the information gathered from the database.5

In all of the Consent Decree reviews under Judge Feess, the TEAMSII compliance has always been at the forefront. In the most recent extension on May 15, 2006 the Judge and the Independent Monitor (Kroll) complimented the personnel of the LAPD for their effort and commitment but said that the entire decree has to be substantially complied with and a partial release from the decree (in certain area that they are compliant) is not possible. The city of Los Angeles and the Department of Justice had petitioned the Judge to move on and stop the monitoring of the areas which were in full compliance. But Judge Feess and Michael Cherkasky (Kroll) said that there must be a full two years of complete compliance in all areas. 6

Chief Bratton who came into his role as chief shortly after the Consent Decree was evolving, has "embraced the Consent Decree as a method of achieving modern and effective policing" (lapd website June 19, 2007) Immediately after taking command, Bratton created the Audit Division to provide the variety of audits necessary to comply with the Consent Decree. In the creation of this division, many civilian personnel were hired because LAPD realized they needed real professionals in the field of audit and finance. Andre Ordin, a Police Commission member has said about Bratton's approach to the Consent Decree "He recognizes that the requirements of the Consent Decree are not just boxes to be checked but provide guidance long after the expiration of the LAPD. (June 19, 2007) lapd website 7

The Police Union (LA Police Protective League) has recently (Jan. 31, 2008) called for the city to end the consent decree. They cite the large expense associated with the decree when budgets are tight. According to their figures, Kroll Worldwide has been paid 13

million thus far and has monthly expenses of \$198,000. The Union takes great issue with one of the provisions which deals with financial disclosure for the estimated 500 officers assigned to gang and narcotics details. They have filed a lawsuit against the city in reference to the financial disclosure segment of the Consent Decree. The financial disclosure is one of the last major areas that needs to be accomplished under the decree. Mayor Villagorosa has offered a compromise that would ask Judge Fees to issue a court order prohibiting disclosure of the information in any cases of suspects arrested by officers. Bratton has said "In the end there will be full disclosure. Nothing is going to change the Judge's decision, in my opinion" 8

Following full compliance, a 2 year period is necessary before the Decree can be lifted. Department sources say that they are looking to a late 2009 target. 9

FOOTNOTES

1. www.lapdonline.org
2. Los Angeles Daily News September 24, 2000. "Law By Decree: Federal Oversight will Bring Long Overdue LAPD Reforms
3. www.lapdonline.org/consentdecree
4. www.lapdonline.org August 21, 2001
5. "The L.A. Consent Decree: What Does It Mean To You? Milazzo, Carl J. January 21, 2001
6. www.lapdonline.org/inside_the_lapd
7. will provide later
8. Los Angeles Daily News. January 31, 2008. Orlav, Rick.
9. lapdonline.org/consentdecree