

The image features a large, stylized graphic of the letters 'L' and 'A'. The 'L' is positioned on the left side of the page, which has a black background. The 'A' is on the right side, which has a red background. The letters are filled with the opposite color: the 'L' is black with a red vertical bar, and the 'A' is red with a black outline. In the center, where the two backgrounds meet, the text is printed in white.

THE YEARS OF CONTROVERSY
The Los Angeles Police Commission 1991-1993



Police Foundation

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POLICE FOUNDATION

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The Los Angeles Police Commission
1991-1993

by
C. A. Novak
in consultation with the former police commissioners

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This report tells the story of the struggle to institute necessary change in the Los Angeles Police Department in the period following the Rodney King incident, the trial of the police officers involved, and the devastating civil disorder sparked by that trial. Mayors, city managers, police executives, and community leaders concerned about the scope of police authority and accountability in a democratic society and interested in police policy that reflects the principles and values of the republic, should find this report to be of immense interest. It is a story told here by the five city residents who served on the Los Angeles Police Commission between 1991 and 1993.

Neither police commission history, authority, nor the limitations of its power provide an adequate gauge of this particular commission's significance or effectiveness. The commissioners' talent, experience, and diversity extended its reach beyond mere statutory authority. Under the most arduous and contentious circumstances, the commission was able to fulfill much of its public mandate and guide the Los Angeles Police Department through one of the most turbulent periods in its history.

Prior to the Rodney King incident, the Los Angeles Police Department had enjoyed a national reputation as a very professional, corruption-free, efficiently run police department. But the King incident set off a chain of events revealing that the department had some serious problems not discernible from a reading of its well articulated policies. The Police Foundation, in its testimony to the Christopher Commission and its involvement in the special advisors' investigation of the police response

to the Los Angeles civil disorder, addressed these problems and suggested strategies for providing police service to this large, culturally diverse, and, in some cases, divided community.

It was a part of the Los Angeles Police Commission's responsibility to implement reforms suggested by the Christopher Commission, as well as those later recommended by the special advisors. The commission's ability to do so was complicated by a number of factors, among them being its vaguely defined mission and authority, the civil service status of the chief of police, and what some might characterize as mutual distrust between the commission and the department.

In this monograph, the members of 1991-1993 Los Angeles Police Commission provide a unique viewpoint of a difficult period in Los Angeles history, a viewpoint at once insightful, instructive, and interesting. This is the first full account of how the commission fit into the puzzle of politics, media attention, public concern, and police policy that defined the city in the months and years to follow Rodney King. Any historical perspective of the events that captured national as well as international attention and continue to affect policing today, not only in Los Angeles but elsewhere, would be conspicuously incomplete without it.

Hubert Williams
President

Preface

In the fall of 1993, Jesse Brewer, Ann Reiss Lane, Anthony De Los Reyes, Stanley Sheinbaum, and Michael Yamaki, the five former members of the Los Angeles Police Commission, gathered together for an unusual reunion. They were more than former colleagues. They had developed an understandably strong bond during the two years of their tenure, two years that began in the aftermath of the Rodney King beating in 1991 and spanned the state and federal trials of the involved officers, the explosive days of civil unrest, and the historic selection of the first chief of police chosen from outside the ranks of the Los Angeles Police Department. The experience had also left the commissioners with a larger sense of purpose—a need to take the experience and put it in a framework that would not only provide closure for themselves but which might be of some value to others in municipal government and law enforcement.

Rather than write an objective academic dissertation, the commissioners chose a more subjec-

tive approach, building upon their own observations and insights. I was asked to join this enterprise during its formative stages to serve as chronicler. Although I was given access to a great deal of documentation, including a massive clipping file of police-related newspaper articles provided by Commissioner Sheinbaum, it would serve merely to provide accurate background and context.

The conclusions and observations in this report represent a distillation of months of meetings and discussions with the former commissioners. It was a lengthy process and over the course of time Commissioner Yamaki found himself unable to continue with the project, although his initial contributions are much appreciated. In the end, this document is both a summary of the personal experiences of a group of unusual and dedicated individuals and a window into the workings of the Los Angeles Police Commission during that extraordinary period.

C. A. Novak

Every modern Los Angeles Police Commission has had its challenges: the unrest and protests of the 1960's, the tragedy of Eula Love, and the "hidden" files of the Public Disorder Intelligence Division. The commission that served during the final years of Mayor Tom Bradley's era, however, found itself at the center of a controversy that drew the attention of not only the city of Los Angeles, but also of the nation and the world. Angelenos vacationing in remote villages in Greece fielded queries about the Los Angeles Police Department (LAPD) and Rodney King. Conversation in this nation's living rooms, schools, and offices was dominated by heated discussion of the case. Suddenly, the LAPD and its chief of police had become the symbol of the accumulated tensions and problems confronting an increasingly diverse society, a society beset by strong cultural and economic divisions. The police department and the city were thrust into a painful reexamination process

that continues today and may well continue into the next century. The initial public shock gave rise to a call for police reform.

Who were these five men and women appointed to the 1991-1993 Los Angeles Police Commission and given the responsibility for instituting change? Appropriately enough, they were individuals representing diverse backgrounds and cultures, people who in their new role as police commissioners would attempt to forge a consensus for reform. That there was a need for reform was clear, but what shape it should take was anything but clear. Each crisis, each decision had to be evaluated in terms of the public good, the good of the police department, and the good of its individual officers in an uncertain time when even the definition of "good" was subject to interpretation.

The personalities and historical moment uniting the 1991-1993 Los Angeles Police Commission are unique. But the process of reexamination and evaluation is in some sense universal. Perhaps this report will serve as a source of information and guidance to those who succeed the five commissioners in Los Angeles as well as to those in other cities facing similar challenges.

OVERVIEW OF A POLICE COMMISSION

The Los Angeles Police Commission enjoys a unique, if at times, frustratingly limited role. Established by the city charter decades ago, the commission is an entity whose form and function were influenced over time by reformist reactions to political corruption.

Through much of the 1800's and into the early 1900's, municipal government was controlled by a powerful political machine. This had a profound impact on the police department. Operating at the mercy of these political forces, it experienced an astounding turnover of 25 different chiefs of police between 1876 and 1900. There were, however, intervals of reform.

One such reform was the introduction of citizen commissions, essentially established to diminish the power held by the machine-dominated mayor and city council. These commissions became an integral part of city government with the adoption of the first city charter in 1889. (Note: Under the California state constitution, the adoption of a city charter is the mechanism by which a city obtains its powers.) The charter also set the pattern for the future, increasing the power of the city council in relation to the mayor. To this day, Los Angeles retains a "weak mayor/strong council" form of municipal government with diffuse and somewhat muddled lines of authority and responsibility.

THE FORMATIVE YEARS: CORRUPTION AND REFORM IN LOS ANGELES

The police commission emerged in its present form after the passage of the city charter of 1925. As outlined by the charter, municipal functions exist under the purview of citizen commissions, each with responsibility for a city department. By strengthening and standardizing the various city commissions, the charter sought to insulate these citizen bodies, particularly the police commission, from the potentially corrupt control of the mayor and the city council. Among the more important provisions of the 1925 charter, was the vesting of authority in the police commission to appoint the chief of police.

Unfortunately, the new charter fell far short of its goal of eradicating political corruption. The situation continued to deteriorate during the 1930's, reaching its nadir with the election of Mayor Frank Shaw, who, along with his brother, ran a classic shakedown operation from the corridors of City Hall, selling everything from government contracts to police promotional exams. However, the Shaw regime came crashing down when the police department's Intelligence Section was implicated in the car bombing of an investigator hired by a reform minded civic organization. In the public furor that followed, Mayor Shaw earned the distinction of being the first mayor of a major city to be recalled from office. Fletcher Bowron, the new reform-minded mayor, ensured that Shaw's departure was soon followed by that of 23 high-ranking police officials.

By the 1950's, much of the political dynamic that defined relationships between the department and the police commission was in place. The LAPD, with William Parker as its chief, embarked on a path of paramilitary professionalism resulting in a remarkably corruption-free police department. An unanticipated but significant consequence of that path, however, was an increasingly insular culture, technologically innovative but resistant to any change except that which was dictated from within.

The police commission had also solidified into its current form, a part-time, five-member civilian board appointed by the mayor and approved by the city council. The police commission's role was and still is not always easily defined. The most commonly used analogy is that the police commission functions as a board of directors while the chief of police functions as the chief executive officer. The commission is responsible for the general oversight of the department and for setting policy, while the chief of police manages the department's day-to-day affairs. Nonetheless, the line between policy and operations is often blurred.

THE YEARS OF REEVALUATION: AUTHORITY AND CONTROL

When the police commissioners were appointed in 1991, there was tremendous pressure on them to exert control over the department and its chief. A number of institutional factors, however, limited that control. Primary among these were charter and civil service commission rules that essentially reserved the role of disciplining officers to the chief of police, while restricting the commission's range of action with respect to the chief himself. Although the police commission did have final approval of the budget at the department level and potentially could use this to shape the department's direction, the ultimate authority over the budget resided with the mayor and city council. Furthermore, any requests for additional funding or changes in allocations required similar approval. Thus, the commission's power to make changes requiring additional funding for reform measures, improved equipment, or increases in officer salaries to improve plummeting morale, was clearly limited. Finally, there was the very real problem of a part-time commission with limited staff attempting to exert influence over a large and highly complex organization with an entrenched command structure that had direct functional control over the daily operations of the department.

During the two years of the commissioners' tenure, significant developments further changed their scope of authority. In some areas, the commission's power to act was increased; in others, it was more severely restricted. These changes and the other challenges confronting the commission are explored in depth in the ensuing pages.

SETTING THE STAGE

On March 3, 1991, two California Highway Patrol officers initiated a seemingly routine vehicular pursuit of a speeding Hyundai. By the time the pursuit ended, 11 LAPD units, including a helicopter and 23 officers, were at the scene, along with the two Highway Patrol officers and a Los Angeles Unified School District unit that had also decided to respond. In the altercation that followed, between the driver of the Hyundai and several LAPD officers, the driver was subjected to a Taser discharge, numerous baton blows, and several kicks. Rodney King was taken by ambulance to the hospital for emergency treatment where hospital reports revealed that he had sustained a broken cheekbone and ankle, in addition to lacerations that required 20 stitches. LAPD reports of the injuries detailed only abrasions and contusions. Blood and urine samples would later reveal that King was under the influence of alcohol and had traces of marijuana in his system.

Hospital records, written reports, and blood tests were not, however, the only record of the night's events. George Holliday, a resident of a nearby apartment complex, hearing the commotion, decided to try out his video camera and began taping the interaction. Although Holliday missed the initial pursuit and the first stages of the confron-

tation, he captured in horrifying detail the 56 baton blows and 6 kicks administered to the driver. Initially aired on local television, the videotape was soon playing on national news programs, and the futures of the heretofore unknown Rodney King, the Los Angeles Police Department, and the city of Los Angeles were about to change forever.

Coincidentally, two Los Angeles police commissioners were also spending that weekend contemplating the future. Long before the Holliday video became a staple of nighttime news, Commissioners Bert Boeckmann and Reva Tooley had both been mulling over the possibility of resigning from the commission. They had become concerned that an overly broad interpretation of recently enacted public disclosure laws might jeopardize valued family privacy. They independently decided to tender their resignations. By the time the Rodney King incident thrust the Los Angeles Police Department onto center stage, the police commission was down to only three members, Melanie Lomax, Dan Garcia and Samuel Williams.

The public outcry in the wake of the Rodney King incident was immediate. The mayor, the police commission and the chief of police expressed shock and outrage. Chief Gates announced a 10-point plan that included the appointment of a five-member panel chaired by retired California Supreme Court Justice John Arguelles to study LAPD training and use of force. Mayor Bradley appointed an independent commission to be chaired by now U.S. Secretary of State Warren Christopher. The police commission also began its own investigation, centered on a sweeping study of the citizen complaint process, and hired its own independent

consultant. Shortly thereafter, the Arguelles and Christopher-led commissions merged. Although formally known as the “Independent Commission on the Los Angeles Police Department,” it was quickly shortened in popular parlance to the Christopher Commission.

The pending investigations, however, scarcely muted the public outcry. As the various commissions began their fact finding, the public continued its demands for change. The most vocally expressed demand was for the ouster of Chief Daryl Gates. The pressure was on.

SWIMMING UPSTREAM

As the crisis escalated, the police commission came face-to-face with the reality of its limited political power. On April 4, responding in part to the public demand for action, the commission attempted to put Chief Gates on administrative leave, pending the outcome of the investigation into the events of March 3. The attempt, though well motivated, was less than carefully orchestrated, and the order was rapidly overturned by the city council. The resultant blow to commission credibility was compounded by allegations that commissioners had met in secret without proper public notice and that Commissioner Melanie Lomax had leaked city attorney office documents to a civil rights organization. Then, in another one-two punch, the court reaffirmed the city council’s prior action in overturning the commission decision and the voters enacted Proposition 5, a charter amendment that granted the city council authority to reconsider any action of any city commission, should a majority of the council choose to do so. From this point forward, the threat of council interference was ever present, and the potential for council micro-management of the police commission made manifest.

The lack of political power and credibility was only part of the police commission’s problem, however. The commission itself was struggling for cohesiveness. As if the resignations of Commissioners Tooley and Boeckmann were not disruptive enough, on May 7, Commissioner Dan Garcia tendered his resignation, citing concerns about commission integrity and interference from the city council.

Despite these setbacks, on July 2, the commission managed to produce a comprehensive investigative report on the LAPD disciplinary and citizen complaint process. Although overshadowed by the deluge of publicity following the release of the Christopher Commission report a week later, the police commission's report, produced with only limited staffing, highlighted many of the issues and reforms of the larger report.

THE CHRISTOPHER COMMISSION REPORT

On July 9, 1991, the Christopher Commission issued its long-awaited report. The report focused on the question of excessive force within the LAPD and on perceived patterns of racism and bias in recruitment and promotions. It discussed the possibility of massive changes in training and in the disciplinary and complaint systems. The Christopher Commission report also proposed a change in police department philosophy, that is, a transition from the paramilitary model to the community policing model.

Although these changes could be viewed as a part of an evolutionary process, the report also suggested changes that, in terms of civil service and city government, could only be considered revolutionary. The heretofore sacrosanct position of chief of police was to be removed from the protection of civil service and the tenure in office limited to two five-year terms. Furthermore, the commission could terminate the chief after the first term. The police department would continue to have career police officers; if the Christopher Commission had its way, however, the LAPD would never again have a career chief.

The role of the police commission itself was also to be changed. It was to be given increased power over the police department. Most importantly, the commission staff was to be under the jurisdiction of a civilian chief of staff at the level of general manager and exempt from civil service.

Almost buried in the final pages of the report were a handful of innocuously worded suggestions whose tactful phrasing belied their impact.

THE FIVE COMMISSIONERS

The Christopher Commission suggested that it was now time for a “commencement of transition” in the office of the chief of police. The report went on to say that “... the interests of harmony and healing would be served if the police commission is now reconstituted with members not identified with the recent controversy involving the chief of police.” In an attempt to demonstrate a willingness to uphold their end of the bargain, Commissioners Lomax and Williams regretfully tendered their resignations and waited for the chief to do the same. Little did they or the city know that it would take nearly twelve long, rancorous months before the much anticipated “transition” in the chief’s office was complete.

The stage was now set for the new Los Angeles Police Commission to begin its work.

Stanley Sheinbaum

Stanley Sheinbaum became the most senior ranking member of the commission by a seeming twist of fate. Confirmed on April 3, 1991, to fill one of the vacancies left by the resignations of Tooley and Boeckmann, a prior commitment took him away from Los Angeles, causing him to miss the commission’s abortive attempt to place Chief of Police Daryl Gates on administrative leave. When the Christopher Commission later recommended that the spirit of healing would best be served by the resignation of the police commissioners instrumental in that ill-conceived attempt, Stanley Sheinbaum’s April 4 absence allowed him to remain on the commission. He would serve as commission president during the first year.

An academician and a scholar, Stanley Sheinbaum was also known for his long-standing involvement in liberal political causes. He was the former chairman of the Southern California ACLU Board of Directors, the chairman of the California Human Rights Watch, and founder of the Legal Defense Center of Santa Barbara. His appointment was a controversial one, especially in light of the ACLU’s often adversarial relationship with the LAPD.

Michael Yamaki

Michael Yamaki filled the second of the Tooley/Boeckmann vacancies. Appointed by Mayor Bradley on April 9, he was confirmed by the city council a month and a half later. A well-known criminal defense attorney, he also had the distinction of being the first Asian-American to serve on the police commission. Although new to the commis-

sion, he had already gained considerable experience as chair of its Asian Advisory Committee. A popular public speaker with an easy wit and a centrist view, he was capable of looking at both the fine points and the broad perspectives. It was an ability that was to serve Michael Yamaki well in the coming months.

Anthony De Los Reyes

Although new to the police commission, Anthony De Los Reyes was no stranger to city government. In eight years on the civil service commission, he had guided the city through a series of thorny personnel issues. But De Los Reyes decided it was time for a change. Shortly before the Rodney King incident, he had submitted a request to the mayor to serve on another commission. His choice was the Los Angeles Cultural Affairs Commission. Mayor Bradley had another candidate in mind for that commission, however, and another destination in mind for Anthony De Los Reyes. On May 31, Mayor Bradley announced De Los Reyes' appointment to the police commission. Final confirmation came on July 2. In the months that followed, De Los Reyes did in fact become immersed in cultural affairs, in the broadest sense of the term, as the city and the LAPD searched for common ground and understanding among the many disparate ethnic groups struggling for their own identity and recognition.

A soft spoken man with a talent for delving into the core of an issue, Anthony De Los Reyes also served as a guide through the often bewildering world of government regulation. His experience with the civil service commission and his years as a civil litigator proved to be invaluable resources.

Jesse Brewer

Of the five new commissioners, Jesse Brewer was clearly the one most familiar with the police department. A career police officer and, as assistant chief, the department's highest ranking African American, Brewer had retired only a few days before the fateful night of March 3, 1991. His retirement from law enforcement was short-lived; he was quickly tabbed as a special advisor to the Christopher Commission.

Only a few months later, Jesse Brewer found himself again formally associated with the police department, this time as a member of the police commission. He was nominated by the mayor on July 17 and confirmed two weeks later. The commission was quick to recognize Brewer's law enforcement expertise and reputation as a statesman. He was immediately elected as the commission's vice president.

Ann Reiss Lane

Ann Reiss Lane, the commission's lone female voice, was the last of the five to be confirmed. Like De Los Reyes, she was far from a newcomer to the political scene. Beginning with a five-year stint on the Los Angeles Board of Library Commissioners, she then moved to the fire commission where she

became known for her determined efforts to open up the fire department to female fire fighters.

On July 19, Lane received an unexpected call from one of Mayor Bradley's top aides, informing her that she was "short listed" for the police commission. Despite the suddenness of the offer and the obvious demands of the new position, Lane was leaning towards acceptance when, several hours later, she was surprised by a call from Mayor Bradley expressing his pleasure at her decision to become a member of the police commission. A press conference later that afternoon announced her nomination. With Lane's appointment on August 2, the last of the five commissioners was in place.

CONTROVERSY, CONFLICT, CONUNDRUM

However much the new group of police commissioners desired to formulate a long-range plan of action, their intention to do so was consistently thwarted by a steady stream of controversies demanding immediate attention; they were too busy putting out fires to be anything but reactive. By having to focus on each fast moving crisis as it developed, the commissioners never had the time to work on the long-term issues that might have prevented crises from developing in the first place.

A Year of Crisis: 1991

Perhaps it was inevitable, given the turbulent months during which these particular commissioners were appointed, that their tenure should be characterized by crisis. The first of the commissioners was appointed the same month as the Rodney King incident; the last less than a month after publication of the Christopher Commission report, with its sweeping mandate for change. Virtually every month a new challenge arose. The commissioners had barely begun to focus on the implementation of the Christopher Commission reforms when police reaction to angry demonstrations by the gay and lesbian community—protesting the governor's veto of anti-discrimination legislation—brought allegations of unwarranted interference. Then, in November, a man named Henry Peco was shot and killed by LAPD officers after an exchange of gunfire at the Imperial Courts Housing Project. Although Peco's companions stated that he was armed, community protestors continued to claim that the police

had fabricated the story and shot in cold blood. Even when an independent witness and gun shot residue tests later confirmed that Peco had been firing a weapon, the information did little to stem the controversy.

1992: Another Turbulent Year

The new year brought no relief. In the first few months of 1992, while the commission began the long and difficult process of selecting a new chief of police, the trial of the four officers accused of using excessive force against Rodney King was unfolding in nearby Simi Valley. Meanwhile, infighting among LAPD's top brass, as a result of the chief of police selection process, was taking its toll. In addition, Clarence Chance and Benny Powell, two men convicted of the slaying of an off-duty sheriff's deputy nearly 18 years earlier, were released from prison in March after it was determined that the police department had withheld critical evidence. Once again the LAPD was under attack, this time for its investigative techniques. The situation worsened when it was learned that one of the investigators involved in the Chance and Powell affair was now in charge of the department's officer-involved shooting investigation unit.

In April, the search for a new chief came to an end with the selection of Willie Williams, but there was little time for celebration. Daryl Gates was threatening to postpone his retirement, perhaps

invalidating the selection. Even more critical, the Simi Valley jury was nearing a verdict. On April 29, the not guilty verdict was announced. A few short hours later, Reginald Denny was attacked at the corner of Florence and Normandie and Los Angeles erupted in flames.

Shortly thereafter, the city asked William Webster, a prominent attorney and former director of the CIA and FBI, and Hubert Williams, head of the Police Foundation, to lead an investigation of the LAPD's performance during the unrest. In June, Chief Gates finally retired, the voters passed a series of Christopher Commission inspired charter reforms, and Willie Williams was sworn in as chief of police.

July offered no respite. Mike Rothmiller, a former LAPD detective who had resigned under a cloud ten years earlier, came out with a series of accusations about police spying. Tow truck driver John Daniels, Jr., was killed in another controversial officer-involved shooting. And striking dry-wallers were arrested after a raucous demonstration in Hollywood.

In August, federal indictments were brought against the four officers acquitted earlier in the Simi Valley trial. Trying to focus on some measure of meaningful reform in the midst of all the chaos, the commission produced an in-depth review of the department's K-9 Platoon, along with a number of significant policy changes.

In September, the Webster-Williams hearings began and the city council approved a motion calling for gender balance in the police department. At the same time, the Nation of Islam appeared before the police commission to obtain a police

permit to provide security services at a public housing complex in Venice.

During the final months of 1992, a series of events added urgency to the commission's work. The Webster-Williams panel issued its report on the LAPD response to the riots. The Los Angeles Times went public with the names of the 44 "problem officers" mentioned in the Christopher Commission report. A police commission employee was suspended for using LAPD computers to access information. The public rejected a tax that would have provided the city with 1,000 more officers. Yet another controversial officer-involved shooting occurred when LAPD officers fatally shot broom-handle wielding Efrain Lopez. Two civil rights groups went on record questioning the validity of the LAPD commander exams. A show of police force, which quelled a demonstration at the corner of Florence and Normandie, drew both high praise and allegations of overreaction. And, in a move that guaranteed the year would end on a sour note, North Hollywood police mistakenly arrested a man en route to his New Year's Eve wedding.

1993: No Relief

The hectic pace continued during the first months of 1993 with a 52-person free-for-all mayor's race, allegations of LAPD information being leaked to the Anti-Defamation League, and the death of a Pasadena man Tasered in a swimming pool by LAPD officers. Meanwhile, just a few hundred feet from the Parker Center and police headquarters another drama was unfolding. The four officers indicted in the Rodney King beating were now on trial in federal court for violating Mr. King's civil

rights. Police department and commission efforts focused on department preparedness for whatever reaction the outcome of the trial might bring.

The April 17 verdicts found two of the four officers guilty and produced no destructive aftermath. At last, it seemed, there was time for the commission to stop, take a deep breath, and move onto future planning, but the opportunity never materialized. In June 1993, Richard Riordan was elected mayor of Los Angeles, and every commissioner in the city, including the police commissioners, was asked to resign.

COMMUNITY RELATIONS AND ETHNIC TENSIONS

The often strained relationship between the police department and the community, specifically the minority community, served as an important subtext to police commission deliberations during the 1991-1993 period. This was, of course, not a new problem. More than a quarter of a century earlier, the McCone Commission, formed after the 1965 Watts riots, had commented on the "deep and long-standing schism" between the police department and the African-American community. Despite some serious efforts to bridge this gap in the 1960's and 1970's, there were signs of serious deterioration by the time the five police commissioners arrived on the scene in 1991. Furthermore, the focus was no longer solely on the African-American community; added to the mix were Hispanics, Asians, and a number of other ethnic groups.

Los Angeles had become increasingly diverse, and along with that diversity came increasing friction, compounded by the effects of a stubborn economic recession that lingered in California long after the rest of the nation was on the road to recovery. Police-community relations reflected these problems in full measure. The Rodney King incident and the civil unrest the following year heightened the sense of ethnic-based tension, adding yet another dimension to the police commission's already difficult decision-making process.

DEFINING THE ROLE AND STYLE OF THE POLICE COMMISSION

The city charter, which forms the basis for municipal government in Los Angeles, is clear in its basic definition of government structure. All city departments are to be headed by citizen commissions, appointed by the mayor. The commissions set policy and exercise executive oversight. The general manager of the department conducts day-to-day operations. Although this framework had been in effect for well over half a century, in 1991 the role of the police commission was defined only in broad outline.

The police commissioners struggled with that lack of definition. With whose interests at heart should they act? Was the commission to be a reflection of the mayor, who had the power to appoint, a reflection of the citizenry at large, or a reflection of the commissioners' consciences and constituencies? And finally, how was the commission supposed to relate to the department it ostensibly headed?

The mayor's influence was, of course, expressed in a number of ways. A primary one was through his choice of commissioners. By picking the types of individuals that he did, the mayor helped shape the direction of the commission, regardless of whether or not he became more directly involved in its affairs. At times, the mayor's influence was more strongly felt. A commissioner who had served years earlier once described how the commission was instructed to defer potentially controversial actions while the mayor's reelection campaign was underway.

The Los Angeles Police Commission was also obligated to give voice to the public interest and to provide a sounding board for the community. This particular commission had been given a strong public mandate for change, as reflected in the 1992 passage of Proposition F, a series of charter reforms directed at the LAPD.

As it turned out, the commissioners shared many beliefs in common, while each one also brought to the position individual priorities and goals. For instance, Ann Reiss Lane was particularly interested in eliminating gender discrimination, Stanley Sheinbaum in increasing public access to police department information.

The commissioners also knew that they had a responsibility for the police department, its well being, and its policy direction, notwithstanding the strained relations between the chief and the police commission. Jesse Brewer believed that the commission should serve as a buffer between the department and political forces, steering the department in the right direction and protecting it from undue political influence. Having lived through times when the police commissioners had been viewed as meddlers or, at worst, as "the enemy," Brewer now saw a chance for the commission to exert a more positive role. The passage of Proposition F, giving the commission the power to appoint and remove the chief of police, raised hopes for a new, less tension-filled era.

A review of Los Angeles Police Commission history shows that commissions often had distinct styles of operation. Some were more aggressive and confrontational, while others were perceived,

rightly or wrongly, as a rubber stamp for the department. The police commission immediately preceding the 1991-1993 commission, however, had lived through a period of intense confrontation; the Christopher Commission had spoken not only of reform, but of harmony and healing. How would the new commission react? How would it create an environment in which lasting reform could be achieved?

Eventually, the police commission developed a style that was both activist and cooperative. The style was reflected in the commissioners' interactions with each other. Although they often disagreed, they were strongly motivated to work through their differences to achieve consensus. A genuine mutual respect existed among the five commissioners, surfacing almost from the beginning of their tenure and becoming even stronger throughout their two years together. Even on those occasions when disagreements could not be resolved, their respect for each other and sense of cohesion kept them from being torn apart by the divisiveness that had sometimes plagued their predecessors.

ACCESS TO INFORMATION AND THE EXERCISE OF AUTHORITY

Throughout its tenure, the 1991-1993 Los Angeles Police Commission grappled with ways to strengthen its authority and increase its access to critical information. These goals proved to be somewhat elusive. The commission's authority, although considerably expanded during its two-year term, remained limited in many ways.

New Staffing

Of primary concern to the commission was its continuing dependence upon the police department for information. The Christopher Commission had recognized this fact and recommended both an expanded staff and the addition of an executive director. The five police commissioners concurred. There were, however, different schools of thought as to how the top position should be defined. The Christopher Commission had envisioned the executive director as a civilian position, but several of the police commissioners felt that the best way to secure real inside information was to have an LAPD deputy chief serve as executive director.

Those commissioners believed that a high ranking sworn officer who knew the operations and culture of the department would provide the commission with more detailed and rapid access to

information. On the other hand, a second group of commissioners felt that a sworn executive director would compromise the essentially civilian character of the commission and potentially provide them with a staff officer who had conflicting loyalties. This had been one of the primary concerns of the Christopher Commission, which had concluded, "we believe the police commission should have a chief of staff who is ultimately accountable to it, rather than [to] the chief of police."

All five commissioners agreed, however, that the position should be a high-ranking one with enough "muscle" to ensure that the commission received all the data it needed to make informed decisions. Part of the access problem would be resolved when the chief of police position was removed from civil service protection. A police commission executive director would further strengthen the commission's ability to obtain needed information from the police department. By having an executive director with some stature, a continuous flow of information between the department and the commission would become more likely.

Although the commission ultimately got its executive director, after city council approval in November 1992, the position had been downgraded from its original "general manager status." While the director, even the position as currently defined, appears to provide effective coordination and direction for a larger and more active commission staff, the question of whether the position has enough weight to sway a still sometimes recalcitrant police department remains unanswered. Authorization for the commission's second high-ranking staff person, the inspector general, was debated in the

city council for several years; the council ultimately chose to bring the matter back to the voters by placing it on the April 1995 ballot.

The police commission was also frustrated in its attempts to achieve the full range of expanded staffing envisioned in the Christopher Commission report. With increased staff, the police commission could do its own independent information gathering, conduct full scale audits of the department, and carry out its own disciplinary investigations and reviews. As originally envisioned, a larger staff would include experienced auditors, investigators, and even legal advisors, increasing the commission staff by 15 to 20 positions. This grand vision was never realized. Although the commission did make significant staffing gains, the levels fell far short of those recommended by the Christopher Commission. Requests for additional staffing were sent to the city council in October 1992 and again in June 1993. On both occasions the requests were denied.

Controlling the Purse Strings

The commission also attempted, albeit unsuccessfully, to influence the decision-making process through the budget and through the authorization of an independent management audit. The commission had final approval over police department budget submissions to the city council and the mayor, which, in theory, would allow the commissioners to influence the department's direction through the allocation and prioritizing of funding. This was a potentially powerful tool given the size of the department budget, which was \$612 million for fiscal year 1994/95, or almost 15 percent of the city's nearly \$4 billion budget. (In fact, about 25 percent

of the city budget, or close to \$1 billion, is spent for police services if indirect costs from other departments are taken into account.)

The power over the LAPD budget was more illusory than real, however. Because of the city's budget deadlines and the crisis-driven nature of commission work, its members generally reviewed the police department budget only in its final stages, and often just before the completed document was due. How to integrate the commission into the budget development process was an issue that was never fully resolved.

The commission's push for a fully independent management audit of the police department was also never realized. This goal fell victim to the economic climate. In November 1991, the commission authorized a request for proposal (RFP) for the audit, but the city administrative officer made it clear that no funding was available for the \$1 million review.

RELATIONS WITH THE CHIEF

By the time the 1991-1993 commission was appointed, the relationship between the police commission and the chief of police had deteriorated to an all time low. Admittedly, friction between a chief and a police commission was not unusual and a certain amount of tension may be an inevitable part of the city's structure. On one side of the equation was the chief of police, a career law enforcement professional who had risen up through the ranks and was charged with managing the day-to-day operations of a department of approximately 10,000 employees. On the other side was the titular head of the department, a part-time civilian police commission, acting as a board of directors, whose purpose was to provide a citizen voice while setting policy and exercising executive oversight of the department. It was a formula designed to provide dynamic interaction, to say the least. At its best, this relationship could produce a creative tension and a synthesis of ideas and new directions. At its worst, it had the potential to degenerate into hostility, controversy, and confrontation.

By mid-1991, it was sadly the latter, rather than the former, that seemed to prevail. Other events and personal dynamics further complicated the equation. First, the long-standing antagonism between the mayor and the chief of police had escalated so that neither would talk directly to the other. Second, a series of highly charged controversies, including the Rodney King incident, engendered hostile public sentiment against the chief of police and moved him increasingly into a defensive posture. Finally, the preceding police commission itself had added fuel to the fire.

The commission's ill-fated attempt to place the chief on administrative leave in April 1991 not only dangerously polarized relations between the chief and the commission, but helped ensure the passage of Proposition 5. This measure, which expanded the city council's power to overturn police commission decisions, further eroded the commission's authority. The Christopher Commission attempted to diffuse the accumulating tensions by recommending that all those involved in the police commission's attempt to place the chief on leave resign "in the interests of harmony and healing."

But even after the resignation of the two members involved, the commission found itself forced to deal with an increasingly intractable chief of police. This had two very serious consequences. First, meaningful dialogue and exchange of ideas were almost impossible. Second, the commission, dependent upon the chief for detailed information about the department, had to struggle to stay informed. Ann Reiss Lane found the situation particularly disconcerting. She was used to the construc-

tive give-and-take relationship with the fire department which continued even when the board and fire chief were at odds. Now she found herself dealing with a chief of police who, for the first two months of Lane's tenure, never addressed her directly or mentioned her by name. The other commissioners were similarly frustrated.

Perhaps the most dangerous manifestation of this lack of communication occurred during the months before the Simi Valley trial of the officers involved in the Rodney King incident. The commission repeatedly questioned the chief about contingency plans if the jury returned with an unpopular verdict. The chief continued to reiterate that the department had a plan but never produced any details. The results of this information gap became painfully clear on April 29, 1992, when the city exploded and the LAPD was left in a state of unresponsive confusion. The commissioners were themselves far from blameless. They had begun to accept the lack of communication as the standard of the day and had failed to aggressively push for a detailed accounting until it was too late.

Sadly, even when the police department attempted to be responsive, the communication had become so strained that the effort would often become confrontational rather than cooperative. In the months following the Christopher Commission report, the LAPD produced detailed analyses of the various recommendations along with a number of proposals for implementation. Much of this represented good solid work, facilitated by Commander Rick Dinse at the request of Chief Gates. Many of the ideas had merit. But the frequently defensive tone of the presentation, as well as a tendency to

bypass the police commission and present it with a fait accompli, undermined what should have been a concerted push toward reform.

In January, 1992, the chief announced that he would implement community policing by placing several police divisions directly under his command. Rather than focusing on community policing itself or on the impact of the reorganization, the debate centered on the chief's intention to change the structure of the department without consulting the commission. That these issues were not more fully addressed may have had unforeseen consequences; some commissioners later saw this flattening of the command structure as having impaired the command effectiveness during the civil unrest the following spring.

LACK OF FISCAL SUPPORT

The Christopher Commission issued its report containing sweeping recommendations for reform, and it immediately garnered widespread support from the public and the city council. Unfortunately, the support was not backed by dollars. Almost immediately, the council sent word that the department was to implement the reforms with existing resources. Many of the Christopher Commission reforms were labor intensive; community policing, by its very nature required officers to spend more time interacting with the public. Other reforms, such as the doubling of the size of Internal Affairs, clearly called for increased resources. Yet no increased funding was provided.

In March 1992, the police commission again asked the city council to support its commitment to police reform, requesting \$7.86 million. The commissioners had little hope that the request would go forward, given the city's looming deficit, and, indeed, their pessimistic forecasts were realized. The chairman of the city council's budget and finance committee was quoted as saying that the police department would have to find money in its existing budget for any reforms.

In 1994, a new Los Angeles Police Commission was still struggling with the same fiscal realities. After city officials repeatedly denied additional funding, the commission found itself dipping into its own operating funds to provide the \$39,000 in seed money to begin developing an Officer Behavioral Indicator Tracking System (OBITS).

While there seemed to be much public support for police reform, there was little willingness to pay for it. A ballot measure to increase the police force by 1,000 officers through a small increase in property taxes was defeated on two separate occasions, first in November of 1992 and then in April of the following year.

Questions and concerns about the consequences of this lack of support were left unaddressed. On the one hand, residents decried the supposed ineffectiveness of the police department; on the other hand, they denied the police department the funds to upgrade severely outmoded equipment or to provide badly needed training. Officer morale was sinking to new depths; the rank and file went for two years without a contract or a raise, rode in aging police cars, and brought in computers from home to supplement the department's deteriorating supply.

In the ensuing two years, the situation had not substantially improved. Police officers got a contract only after resorting to such hard core tactics as sick-outs and disparaging billboards. With respect to in-service training, the LAPD found itself falling farther and farther behind in its compliance with state-mandated requirements. Meanwhile, the city was forced to rely on a private consortium of business and community leaders to raise the \$15 million needed to launch the LAPD onto the information superhighway.

That the costs of reform might be more than offset by the benefits was apparently not a major consideration. When it came to shelling out cold, hard cash, both the city council and the electorate were equally tightfisted.

IMPACT OF LITIGATION

In 1991, nearly \$15 million dollars was paid out in settlements and judgments related to police behavior, thus continuing an upward trend. In 1992, the amount jumped to nearly \$20 million. Many observers, including the Christopher Commission, saw the increasingly large sums as an indication of an organization sorely in need of reform and greater controls. It could also be said that society as a whole had become more litigious, and that juries seemed more willing to award larger and larger pay-outs. Multi-million dollar verdicts, if not exactly commonplace, were no longer extraordinary events.

Whatever the cause, the specter of future litigation could not help but have a negative effect on aggressive action and open discussion. On the one hand, the commission was strongly committed to looking at problems within the department and recommending changes. On the other, the very admission that problems existed might ironically end up costing the city untold hundreds of thousands of dollars. Anecdotal evidence suggests that the Christopher Commission report, which appropriately focused on problems within the Los Angeles Police Department, was subsequently introduced in support of numerous lawsuits against the city, although the report's impact on awards to plaintiffs cannot be ascertained.

The city attorney acted as advisor to the police commission, not only in matters related to the Brown Act (see next page) and commission business, but also in matters where pending or potential litigation might be involved. Advice concerning the latter, while certainly professionally appropriate, often proved frustrating to the commissioners.

This, then, was the dilemma—how to be aggressive and reformist while still being fiscally responsible and cognizant of the possible legal repercussions. Attempting to strike a balance was something the commission achieved with varying degrees of success.

THE BROWN ACT

The Ralph M. Brown Act, California Government Code Sections 54950-54962, was formulated to ensure that actions by public commissions, boards, and councils would be taken openly so that, in the words of the code, the people “may retain control over the instruments they have created.”

In 1991, when the former commissioners began their tenure, the Brown Act mandated that their meetings be public, that they have set agendas published in advance of the meeting, and that there be time allocated for public comment. A meeting was defined as any time a quorum, that is, three or more commission members, got together and business was discussed or transacted. The act did provide for certain exceptions in case of emergency and also allowed for closed sessions to discuss certain specific issues such as personnel matters or pending litigation. With those exceptions, the Brown Act dictated that almost all matters within the commission’s scope of authority would have to be discussed and aired before the public, no matter how sensitive the issue or how potentially disruptive the consequences of public disclosure.

Certainly the purpose of the Brown Act was laudable. No one wanted to return to the storied days of smoke-filled, back-room deals. The commission strongly supported the public’s right to know and the need for public involvement. Nonetheless, when every day seemed to bring a new crisis, when personalities threatened to overwhelm policy considerations, meaningful business became increasingly difficult to conduct under the unrelenting scrutiny sanctioned by the Brown Act.

The act even prohibited such seemingly be-

nign actions as having the commission president speak individually with other commission members to take a pulse on certain critical issues. That was considered a “serial” meeting and hence forbidden. How was the commission to deal with the increasingly confrontational interactions with the chief of police if commissioners couldn’t even discuss the issue, except in a situation that was guaranteed to escalate the level of confrontation? Even sitting down and having a frank give-and-take discussion regarding an approach to a problem, let alone discussing the problem itself, would have violated the Brown Act.

An even greater challenge for the police commission was finding a way to address in a timely fashion all the issues crying out for attention. The commission solved the problem by instituting the two-person subcommittee. At that time, the Brown Act provided for advisory committees, as long as they were comprised of fewer commissioners than a quorum. Subcommittees could review and discuss various subjects, but would have no power to take any final action. The subcommittees could thus provide the police commission with background information both on open- and closed-session subjects.

One particularly successful subcommittee dealt with use-of-force issues and, more specifically, with officer-involved shootings. Every time an officer fired his or her weapon, an intensive internal investigation and review process was initiated by the police department. The ultimate determination as to whether that incident violated policy was the responsibility of the police commission. As a result of a series of changes in the early 1980’s

arising out of the controversial Eula Love shooting incident, the commission had assumed a much more active role in the investigative and adjudicative process. Authorized to conduct final review of all officer-involved shootings, the commission carefully analyzed all investigative material on a given case before making its determination. The use-of-force subcommittee took this task seriously, sometimes arriving at the scene of officer-involved shooting incidents immediately after they occurred. Thus, the commission would have an informed basis for its final conclusions. Considering that during a given closed session the commissioners might examine as many as a dozen officer-involved shootings and perhaps twice that many disciplinary issues, the importance of the subcommittee's groundwork cannot be overemphasized.

Future commissions, however, will find the ability to use this tool severely curtailed. Recent changes to the Brown Act subject even subcommittee meetings to the same stringent requirements as regular meetings. As of April 1, 1994, any subcommittee meeting on a continuous basis must have an agenda, and the public must be invited to attend. Only a non-standing subcommittee—meeting for a limited time on a single subject—is exempt.

THE PUBLIC MEETING

If the Brown Act mandated that all commission business be conducted on a public stage, the public was only too glad to make its appearance. The value of having an opportunity for public contribution was indeed indisputable. Often, police commission meetings provided citizens with their only open forum for expressing frustrations over a confusing and sometimes unresponsive system. Issues that might never have come to the commission's attention came to light during the public comment portion of the meeting. Witnesses in misconduct investigations who might be otherwise reluctant to come forward sometimes made themselves available during the public comment period.

Nonetheless, for every citizen seeking legitimate redress, there seemed to be another whose claim on the commission's time was more dubious. Several incidents serve to illustrate the point. One woman appeared at a commission meeting angrily demanding the chief's resignation. Several weeks later, she returned to announce that she had forgiven him and that she and Daryl Gates were now engaged to be married (a statement that must have come as a surprise to the chief's wife). She then shifted the focus of her hostility to the mayor and the president of the police commission, becoming increasingly vitriolic until one memorable occasion when she expressed her emotions by spitting at the commissioners. Another resident appeared week after week to regale the group with a long, rambling story that, despite repeated tellings, was never decipherable. Two other women came to meetings repeatedly asking the commission to intercede against President George Bush.

One claimed he had tortured her mother in a Los Angeles rest home; the other contended that he had made pornographic films of her and was sending them throughout corporate America. Last but not least, was the infamous "laser lady" who demanded that the commission order the chief to raise the shield that would protect her from the incessant electronic torture and laser bombardment. In between the two extremes was a group of well intentioned gadflies, each with a special area of interest, sometimes relevant, sometimes not. No matter how relevant the discussion, the challenge to the commission was to focus its attention on the matter at hand after an hour or so of delusional tirades or disconnected ramblings.

Even more draining were the large chunks of public meeting time spent examining the various police permits that came before the commission for approval, denial, or discipline. Although the Christopher Commission had recognized this problem, it took many months to draft an ordinance and implement a system that would allow a supplemental panel appointed by the police commission to hear at least some of the permit matters. In the spring of 1994, even more permit business was shifted to the panel. Future commissions will thankfully be relieved from much of this burden.

It should be noted, of course, that the public meeting represented only part of the day's agenda. The commission conducted weekly closed sessions to discuss those issues deemed confidential under the Brown Act. Each and every officer-involved shooting was reviewed and analyzed so that the commission could make a determination as to whether the shooting violated policy. Weekly summaries of disciplinary action resulting from officer misconduct and other issues of special concern were scrutinized and discussed by commission members.

One thing was abundantly clear from the beginning of the Los Angeles Police Commission's tenure. If the commission was to accomplish anything at all, it would need to make an extraordinary commitment of time and effort. Even though the commission was in theory a part-time board of directors, obligated only to attend two meetings a month, the press of events dictated much more involvement. Fortunately, commission members Jesse Brewer, Ann Reiss Lane, and Stanley Sheinbaum were able to function virtually full-time as commissioners. The two remaining members, Michael Yamaki and Anthony De Los Reyes, put in nearly as many hours as the others despite the demands of their successful law practices.

This police commission elected to take a hands-on approach to its work. Mike Yamaki, acting on behalf of the subcommittee on the use of force, visited the scene of officer-involved shootings. All five commissioners attended roll calls, went on ride-alongs and attended recruit graduations. During the initial months of their tenure, in order to get a feel for what the public was thinking and feeling, the commissioners read each and every letter sent to them. They initiated periodic, off-site commission meetings at various locations around the city to allow for greater community input and participation. When the 1992 civil unrest broke out, the commissioners immediately headed for the troubled area and spent much of the ensuing days in the field and at the command post, talking with members of the community and speaking with police officers. In a symbolic encounter during the early hours of the unrest, a concerned Commissioner Sheinbaum, hurrying to Parker Center to

evaluate the situation, literally crossed paths with Chief Daryl Gates, who was leaving the building for a fund-raising dinner in Brentwood. No matter what the issue, the commissioners wanted as much firsthand experience as possible.

In addition to time, the commission's work was going to require every bit of expertise the five commissioners brought to the table. For example, when it came time to begin the selection process for a new chief of police, the commission could look to Anthony De Los Reyes for his civil service background; to Jesse Brewer for his in-depth, inside knowledge of the department; and to Ann Reiss Lane for her experience as a former participant in a general manager selection process.

Through this fortunate combination of time, effort, and expertise, the police commission was able to make a number of significant contributions, despite the formidable challenges confronting them. Their contributions included: (1) overseeing the initial implementation of the Christopher Commission reforms in a number of areas; (2) participating in an innovative and successful chief of police selection process; (3) appointing the special advisors panel, which produced concrete changes in the department's management and emergency response capabilities; (4) expanding the role of the commission staff; (5) increasing the focus on gender-based issues; and (6) implementing reforms in the department's K-9 unit.

THE INITIAL IMPLEMENTATION OF CHRISTOPHER COMMISSION REFORMS

Implementing the reforms recommended by the Christopher Commission was a complex, frustrating task. The reforms involved so many different areas of the department and the implementation depended on numerous factors outside the control of the police commission or even the police department. Many of the reforms required additional funding or other action by the city council. Others required months and even years of labor negotiation. Still others required the cooperation of various city agencies or non-municipal agencies and groups.

Even in those areas where the obstacles were less formidable, the progress was often maddeningly slow and subject to false starts. As previously discussed, the police commission was able to push the department into making significant changes in several key areas. Nonetheless, throughout their tenure, the commissioners remained committed to implementing the broad spectrum of Christopher Commission reforms. Indeed, the commission and its staff developed a format for evaluating the progress of reform, a format that became the blueprint for all subsequent analysis.

Under the police commission's direction, the LAPD began its transition to community policing. The beginnings were somewhat problematic given the initial difficulty establishing the definition and scope of the program, the disagreements with then Chief of Police Daryl Gates over lines of authority, and, later, the confusion following the 1992 unrest. Those issues notwithstanding, community policing

began to pick up steam, especially in the San Fernando Valley, under the direction of Deputy Chief Mark Kroeker. One of the more tangible symbols of community policing was Operation Sparkle, an anti-graffiti community cleanup campaign initiated even before the unrest. The program continued to garner ever increasing community participation. As implementation continued, Chief Williams began a reorganization of the department and also secured a National Institute of Justice grant to provide training to police as well as to community participants.

In January 1993, the department issued Administrative Order 10, "Partnerships for Community Policing." The order dealt primarily with the community-police advisory boards that would form the cornerstone of community policing. The commission staff questioned whether these programs would also be accompanied by needed changes in department management style and asked for a fuller presentation. The lack of detail proved to be a recurring issue.

The police commission also witnessed a number of significant changes in department training, primarily in the area of recruit training. The recruit training program was extended by six weeks to allow field experience to be incorporated into the curriculum. Field training officers were brought back to the police academy to participate in training along with their trainees. Training in cultural awareness and human relations was increased, and a greater emphasis was placed on verbal skills as an alternative to force. A police training administrator was added to the academy staff, although the position has apparently become more advisory than supervisory.

The track record for in-service training was somewhat less impressive. Cultural awareness training for seasoned officers was still “under study” as recently as the spring of 1994. “Verbal judo” training, once vaunted as the best alternative solution to physical force, languished after having been taken by an initial cadre of potential in-house trainers. With the recent emphasis on department expansion and the need to hire and train an increasing number of recruits, in-service training innovations may continue to lag behind recruit training.

Even more disturbing is the police department’s low level of compliance with the current standards of the Commission on Peace Officer Standards and Training (POST). The California Code of Regulations requires that every officer of the rank of sergeant and below receive 24 hours of POST-certified advanced training every two years. Although 98 percent of the officers in California are in compliance, the LAPD compliance rate is significantly lower, reflecting a serious decline in the department’s in-service training program. This area still requires increased attention and funding.

A number of changes were also made in the disciplinary and citizen complaint system. Clearly an area of importance to the Christopher Commission, citizen complaints, and LAPD responsiveness to them, had been the primary focus for the police commission’s post-Rodney King report as well. Of particular significance was the implementation of a 24-hour complaint hot line, and a new mail-in complaint form and instructional posters, translated into several languages. The Internal Affairs Division once again assumed a more active role in disciplin-

ary investigations, a role which had become somewhat decentralized over time as more and more cases were assigned to geographic areas, i.e., stations, for investigation.

Budgetary and employee relations constraints continued to plague the progress of reform. Many of the changes were subject to “meet and confer,” a legally mandated negotiating process between management and labor; some of these issues were still unresolved several years later. Lack of funding certainly had a negative impact on the development of OBITS, the consolidated database that would have tracked officer misconduct and officer-involved shootings; the growth of Internal Affairs was similarly affected.

Overall, an evaluation of the implementation of the Christopher Commission reforms indicates both significant changes and often incomprehensible delays. For example, the San Fernando Valley’s community policing programs were successful and police-community trust improved. In contrast, there was the sluggish progress of the LAPD’s special order on the use of the “prone-out” tactic, a controversial police control tactic which critics believed was used inappropriately against certain groups. The order was not approved until three years after the Christopher Commission had submitted its conclusions.

The LAPD and the police commission continue to have different interpretations of the progress of reform implementation and how to measure the level of compliance in specific areas. Many problems still remain. Nonetheless, the department is moving forward.

SELECTING THE CHIEF OF POLICE

In July 1991, Chief Daryl Gates announced his long anticipated retirement date, and the process of selecting a new chief began in earnest. Throughout the ensuing months, the police commission, the Los Angeles Personnel Department, and, to some extent, the Office of the City Attorney grappled with three main issues: (1) how to make the selection process as comprehensive and innovative as possible; (2) how to deal with the frequently changing retirement date set by the chief; and (3) how to take into account the potential impact of Proposition F, the charter reform measure on the June 1992 ballot that would, if passed, alter the selection procedures and remove the chief of police from civil service protection. The result was an executive search unique in the city of Los Angeles.

The initial stages of the selection process clearly fell within the purview of the Los Angeles Personnel Department. From the beginning, however, the police commission consulted with representatives of that department to ensure commission involvement. During the initial phases, the commissioners provided the personnel department with the basic criteria they believed should be used in selecting the chief. The personnel department then submitted a draft and the commissioners made suggested revisions. The personnel department also interviewed the commissioners regarding their suggestions for the three short essay questions that would be included as part of the application package.

The selection process entered a more formal phase in September 1991 with a series of public

hearings before the civil service commission. The hearings outlined several proposed procedural changes that would lower, if only slightly, the obstacles faced by a non-LAPD candidate. All candidates would be screened by an application review committee, and the oral interview would comprise 100 percent of the exam. The number of seniority points in-house candidates could accrue was lowered. Given one-tenth of a point for each year of service, the LAPD candidates could now accrue only one point total, regardless of the number of years on the force. Civil service rules would still skew the process in favor of the insiders, however, by requiring an outside candidate to score higher than any of his or her LAPD rivals in order to make the cut. The examination and procedures were approved on September 27 and the filing for chief of police was formally opened.

From September through the end of the year, the city launched a nationwide, corporate-style recruitment process. The police commission and the personnel department agreed that the search should be as broad as possible. Advertisements were placed and application packages, developed with police commission involvement, were mailed out. The applicants were required to fill out a comprehensive application form, provide an outline of qualifications, and respond to three essay questions. By the December 17 filing deadline, the personnel department had received 33 applications, 22 from outside the police department and 11 from within.

The 33 applications were then sent to a screening committee. Several months earlier, the police commission had formally requested

that the screening and interview panels be gender balanced and reflect the city's ethnic diversity. To ensure that goal, they had also provided the personnel department with a number of recommendations for potential panel members. In December and January, an appropriately diverse panel of four men and three women began the task of narrowing the field down to twelve semifinalists.

As the names of the 12 candidates became public, criticism of the selection process began to mount. One of the more vocal critics was Chief Gates, who questioned the validity of the selection criteria because two high-ranking LAPD members, Deputy Chief Ron Frankle and Commander Frank Piersol, commanding officer of the police commission's executive office, had failed to make the cut. Others expressed concern because an outside candidate, Philadelphia Police Commissioner Willie Williams, had emerged as one of the possible front-runners.

The 12 candidates then went before the interview panel, which included among others, Hubert Williams, head of the prestigious Washington, D.C., Police Foundation, and John Van de Kamp, former attorney general of California. In late February, after a round of one-and-a-half hour interviews, the final six names were announced. The list of finalists included five high-ranking LAPD officers and one outside candidate, Willie Williams, who had outscored all the competitors. Under civil service rules, this meant that a non-LAPD candidate was now in the running for LAPD's top cop position.

Once again, the process came under fire. The LAPD Command Officers Association criticized the makeup of the review board, stating that it included

nonresidents of Los Angeles and failed to represent organized labor. More controversial, however, was the the elimination of the two Hispanic semifinalists. Almost immediately, a previously unknown political group led by Xavier Hermosillo, now a commentator for a Los Angeles talk radio station, came forward to challenge the list, claiming that three of the candidates were currently under review for misconduct. Neither the commission nor the city could afford to let these allegations go unanswered. An immediate investigation of the allegations was initiated.

It was clear that the investigation would have to be handled with unusual sensitivity. Responsibility for the review was assigned to a high-ranking member of the command staff who, because he was retiring, had no direct stake in the outcome of the selection process. In addition to the need for sensitivity and objectivity, a swift conclusion was paramount if the selection process were to be kept on track. To ensure that these various objectives were met, Commissioners Lane and Brewer worked directly with Chief Gates to supervise and monitor the progress of the investigation. In the meantime, the commission continued to move forward with the selection process.

The timing of the chief of police selection was also becoming increasingly critical. Adding to the controversy was an opinion by the city attorney postulating that part of the selection process might be voided if the charter reforms passed and the chief, who continued to seesaw on his retirement date, postponed his departure until after the results of the June 2 election were certified. All candidates were apprised of the changes and knew that an

appointment could be nullified if Chief Gates failed to retire before the certification date. Councilman Richard Alatorre then attempted to postpone the whole selection process until after the June 2 election. The commission, however, was eager to press forward despite the potential problems, a view shared by the city council, which defeated Alatorre's motion.

With the decision to go ahead as planned, the selection process moved into the final stages, and the police commission's involvement intensified. The personnel investigation into the allegations of impropriety against several of the candidates was concluded, clearing the way for the final choice. Allegations against two of the candidates were found to have no merit, while one of the three was found to have violated police department rules by failing to report his off-duty relationship with a subordinate.

As the pace escalated, the commissioners conducted some thirty hours of face-to-face interviews. Additionally, a subcommittee consisting of Commissioners Lane and Brewer flew to Philadelphia to interview community leaders, government representatives, and police personnel about Willie Williams. This was a somewhat unusual move, but one that reflected the strong hands-on style of this particular police commission. Their experience with the police department provided the commissioners with prior knowledge and sources of information on the inside candidates. In contrast, the commissioners felt that they were at a disadvantage

vis a vis the outsider from Philadelphia. Given the importance of the decision they were about to make, they wanted the same kind of firsthand knowledge about Willie Williams as they had about the five LAPD candidates.

This additional information took on added significance given the fact that no outsider had been a serious contender for chief of police for many years. Although the subcommittee was favorably impressed by the positive feedback they received in Philadelphia, some serious questions remained about choosing someone with no prior LAPD experience.

On one hand, the commissioners realized it was necessary to pick a chief of police who could ease the developing tensions between the police department and the community and restore the department's credibility in the eyes of the public. Bringing in an outsider with a clean record might well be an advantage, in view of the highly visible infighting among the department candidates. Additionally, Willie Williams had the advantage of a strong track record of community policing, the law enforcement philosophy so forcefully advocated by the Christopher Commission.

On the other hand, department morale was low and the LAPD department rank and file might well interpret the choosing of someone from outside the department as a slap in the face. The months of controversy had taken its toll on the morale of those officers who consistently did their jobs with professionalism, but saw nothing but increasing criticism from the press and public. Furthermore, an outside candidate would be confronted with a significant learning curve in terms of the

THE WEBSTER-WILLIAMS REPORT

policies, organization, and institutional knowledge of the LAPD. Given the complexity of the challenges confronting the police department, could the city afford to have a chief of police who might not be able to hit the ground running his first day in office?

Thus, in addition to considering the individual qualifications of the six candidates, the police commission also found itself viewing the larger context in which the new chief would be operating. As the selection process neared its final days, the commission met in a six-hour marathon closed session to once again examine all the issues. This was followed by a second meeting. In the end, the commission achieved consensus; it had chosen the man it felt most suited to the challenges and tenor of the times. The Los Angeles Police Department would be headed by its first African American and first officially approved outsider, Willie Williams.

The selection process had been long and difficult, and, even after the choice had been made, the final outcome was still in doubt for nearly a month. Daryl Gates continued to vacillate on his retirement date. Concerned that Gates might truly delay his retirement long enough to jeopardize the appointment of the newly selected chief of police, the police commission met in early June in a weekend emergency executive session to discuss its options, including the hiring of private legal counsel. With the actual retirement of Chief Gates, however, no further action was required. On June 30, 1992, Willie Williams was publicly sworn in as chief of police of the Los Angeles Police Department.

The April 29, 1992, outbreaks of civil unrest throughout Los Angeles horrified the nation as television viewers were treated to scene after scene of burning buildings, injured bystanders, and rampaging looters. The ability of the police department to mobilize and respond had clearly been challenged beyond its limit, despite Chief Gates' comments that all had gone well, except for what he termed a few "glitches." When the smoke cleared, literally as well as figuratively, Los Angeles was reeling from the effects of six days of civil disruption that resulted in the loss of 42 lives, \$1 billion in property damage, and over 700 burned businesses. The need to objectively investigate police preparation and performance was abundantly clear, and it was critical that this investigation be led by people with extraordinary expertise and credentials.

Two names came quickly to the forefront. One of these was William Webster, former director of the CIA and the FBI, and now a prominent Washington, D.C., attorney. Stanley Sheinbaum immediately set about securing Webster to head the investigation. En route to another engagement, Sheinbaum called Webster's Washington law firm on his car telephone and spoke to one of Webster's partners. As chance would have it, Webster was flying home from Korea and was about to land at Los Angeles International Airport where he would have a two-hour layover between flights. Commissioner Sheinbaum raced to the airport and met Webster as he came off the plane. Within a few hours, the former FBI director was on board both literally and figuratively.

The other choice was Hubert Williams, head of the Police Foundation, a Washington, D. C. based, private, nonprofit organization committed to the improvement of American policing through empirical research and technical assistance. A former director of police in Newark, New Jersey, Williams had also served as an expert witness for the Christopher Commission. On May 11, the two men were formally introduced to the press and less than two weeks after the civil unrest had ended, the Webster-Williams panel was ready to begin its review.

The police commission may have been unsuccessful in its earlier attempts to implement an independent management audit of the department, but now the Webster-Williams panel would provide an opportunity for practical review. Because of its specific mandates, the panel had the potential to bring about objective and clearly defined changes. The police commissioners were determined to set the panel in motion, define its mission, and then give the investigators free range to do their review and make their determinations. They made it very clear they wanted an objective report that would be uncompromising in its conclusions. The commission would monitor the panel's work and, if requested, serve as a source of information, but would take no active role. Although Commissioners Lane and Brewer reviewed the raw data as it was developed in order to track the progress of the review, they gave no guidance on interpretation, process, or conclusions.

The involvement of the police commission in the creation of the Webster-Williams study was one of the elements that differentiated that new panel's work from the earlier review of the LAPD by the Christopher Commission. There were, of course, a number of similarities. Both studies were born out of crisis, the Christopher Commission out of the Rodney King incident and the Webster-Williams panel in reaction to the 1992 civil disorder. Both were headed by well-respected experts and both represented thousands of hours of interviews, hearings, and exhaustive research by scores of pro bono staff.

The Christopher Commission's mission was more broadly defined, however. Although its primary objective was an examination of the use of force, it ultimately expanded its scope to focus on the structure and management of the department and the police commission. The broad base of research and findings was the Christopher Commission's greatest strength as well as its greatest weakness.

The Christopher Commission report was the first public examination of a department that had gained so much political currency during the preceding decades that it had remained virtually unsailable despite periodic public outcry. The police charter reforms enacted in June 1992 were a direct expression of the Christopher Commission recommendations. The report also delineated a number of serious problem areas which had long been the source of simmering community dissatisfaction.

But because the report was so far ranging, and because it attempted to meld several research approaches, it was often repetitive and somewhat

general in its recommendations. In fact, one of the first challenges for the police commission was to determine precisely what the recommendations were. The chief legislative analyst compiled what became the final list of 130 recommendations, but even then some of the recommendations were more often statements of intent rather than specific action items. For example, recommendation 57 read, "The leaders of the LAPD can send, if they want to, an unequivocal message that the pride so often expressed and widely felt within the department is deserved only if officers act within the law in the use of force and exercise restraint in the power entrusted to them."

The police commission learned much from the many months of struggling to define and implement the Christopher Commission recommendations, and they used this knowledge in formulating their approach to the study of civil disorders. Their emphasis was to be on specific and practical outcomes. It must be said that the nature of the events to which they were responding were more amenable to a focused approach.

The report issued by the Webster-Williams panel in October 1992 looked at the broader community issues, but basically divided its study into three distinct phases: prevention, preparation, and response. Building upon certain Christopher Commission recommendations, the report supported a problem-solving model of policing and partnerships with the community, cornerstones of community policing. It also recommended reducing the number of specialized units in order to assign more officers to patrol. The report recommended a city master plan for emergency

preparedness and the implementation of planning and training programs. Finally, the report recommended changes in the Emergency Operations Center, the LAPD command post, and the department's communications network.

In the months that followed, the department began putting these recommendations in place, developing a comprehensive emergency preparedness plan, putting all officers through a 16-hour "unusual occurrence training," assembling top supervisors into a unified management team, and coordinating mutual aid arrangements. When the federal civil rights trial of the four officers accused of violating Rodney King's civil rights moved towards its final conclusion, the police department had devoted a great deal of time and effort to ensure that this time they would not be caught short.

EXPANDING THE ROLE OF POLICE COMMISSION STAFF

The police commissioners were determined to capitalize on the momentum from the Christopher Commission report to increase their support staff and, consequently, their own effectiveness. The more the police commission could gather its own data and do its own review and analysis, the less it had to depend on department sources for information, and the better it could function.

Members of the police commission made numerous appearances before the city council to press for more staff. Although the commission staff never reached the size envisioned by the Christopher Commission and certain key positions were either downgraded or are still pending, the police commission was able to secure sufficient additional positions to significantly increase the amount of information it could obtain.

Even prior to the expansion, police commission staff had already begun to institute tracking and monitoring procedures. A database of officer-involved shootings had been developed and a second monitoring system was in place to track citizen complaints sent to the commission.

In early 1992, the commission was granted six additional positions to develop an audit unit whose primary task was monitoring and reviewing the citizen complaint system. Whereas previously only complaints sent by individuals directly to the police commission were processed by its staff, the new unit was charged with tracking all complaints received by the police department and its Internal Affairs Division, as well as those directly received by the commission. This allowed the commission to

set up a monitoring system independent of the department's. The first supervisory positions were filled in March 1992; final staffing was completed in January 1993 with the hiring of a clerk typist.

Before all the positions were filled, the unit began receiving copies of all personnel complaint face sheets, thus allowing the unit to put statistical information into an independent database. In addition to producing various statistical reports, the unit was also able to flag at the outset any complaints deserving of special scrutiny, provide reports on individual incidents, and conduct reinvestigations of complaints to resolve particular questions or to verify the integrity of the original investigation. To facilitate this process, the Internal Affairs Division agreed to make all their records and files available to the unit upon request. Additionally, the two management analysts were lent to Internal Affairs for two months each, to gain hands-on experience in conducting complaint investigations. The unit also began a series of telephone interviews with complainants in order to evaluate whether the department was providing appropriate and courteous service to individuals filing personnel complaints.

Thus, the police commission was able to begin assuming the responsibilities envisioned by the Christopher Commission in its sweeping recommendations regarding commission oversight. Although authorization of the inspector general position itself was repeatedly delayed, with the new unit in place, at least the underlying auditing and investigation functions could be implemented. If, and when, the inspector general position is finally authorized, that individual will assume direct supervision of the unit.

The staff expansion included the new position of senior personnel analyst. This person served as the commission's designee in the area of employee grievances—for which the commission was the final level of review—and also provided expertise regarding city policies vis a vis employment, training, affirmative action, and discrimination. The senior personnel analyst also served as the commission representative and ex officio member of the Women's Advisory Council.

The personnel analyst and the audit unit not only provided the commission with more in-depth information on citizen complaints and employee relations, but also allowed other personnel to focus more fully on specific problem areas and special projects. Further, new staff allowed the commission to become more involved in monitoring the implementation of the remaining Christopher Commission reforms, a process that continues today.

GENDER BALANCE AND SENSITIVITY TO GENDER-RELATED ISSUES

Both the police department and the police commission had in the past struggled with the question of bias and discriminatory behavior in the police department. The department, in response to city directives and consent decrees, had a long-standing affirmative action program and previous police commissions had formed a number of ethnic-issue advisory committees. While continuing to address a broad spectrum of bias and discrimination issues, the 1991-1993 police commission intensified the focus on gender-related questions. For example, the commission lobbied to include women as an underrepresented group in the Hunter-La Ley consent decree, which addressed promotion opportunities in the police department. Commissioner Ann Reiss Lane's involvement in this effort demonstrated once again how this commission capitalized on the individual strengths and high level of commitment of its members.

In 1991, the Christopher Commission report commented on gender bias in the Los Angeles Police Department, suggesting that the underrepresentation of female officers in the LAPD had potentially negative consequences on excessive use of force rates since female officers tend to use less force and more mediation in confrontations with citizens. At the same time, Ann Reiss Lane was involved in a series of discussions with other experts in the field about issues involving women and law enforcement. It became apparent, however, that these questions had to be addressed in a formal way. The result was the creation of a Women's

Advisory Council to the police commission. Its purpose was to address in a comprehensive fashion a broad range of police issues affecting female officers and women in the community.

Four women were chosen as the co-conveners of the advisory council: Penny Harrington, former chief of police of Portland, Oregon; Constance Rice, NAACP Legal Defense and Education Fund; Jennifer McKenna, California Women's Law Center; and Katherine Spillar, the Feminist Majority Foundation, who had testified before the Christopher Commission. In addition to a diverse and active community membership, representatives of the LAPD, the city attorney's office, and the city government personnel department served as ex officio members. Ann Reiss Lane attended many of the meetings herself, especially in the initial stages, and also appointed a commission executive staff person to serve as a nonvoting member.

Its membership and mission in place, the Women's Advisory Council was formally recognized by the police commission on September 15, 1992. The timing was auspicious. Only a few days earlier, the city council had adopted a series of proposals to increase the recruitment and hiring of female police officers in order to reach the same percentage of women in the Los Angeles work force, 44 percent. (The city council subsequently failed to authorize the funding to hire the additional officers necessary to move toward that goal.)

The Women's Advisory Council began what was to be a year-long effort to develop a blueprint for action, meeting with police department personnel, outside experts, and others. A number of significant recommendations were eventually

made. One of the first concerned the position of women's coordinator, which was filled in January of the following year by a female detective who also acted as liaison to the Advisory Council and served as an ex officio member. The women's coordinator worked with department personnel to develop training and investigative policies regarding sexual harassment as well as a new system for tracking gender-related personnel complaints.

A second recommendation called for sexual harassment training throughout the department, including at the command level. Sexual harassment prevention training for department staff and command personnel was developed during the fall of 1993. In accordance with a chief of police directive, the entire command staff received training in early January of the following year.

As part of its broader focus on the treatment of women in general, the advisory council issued a recommendation concerning the department's response to domestic violence. One of the more tangible outcomes was the establishment of a pilot project in the Southwest Area. The project combined all domestic violence criminal issues under the supervision of one detective supervisor. In addition to providing the more traditional investigative services, the project would refer families to social service agencies when appropriate.

The final advisory council report was issued in October 1993. By the time the report was released, a new police commission was in place and none of the commissioners involved in its inception was still serving. The new commission thanked the outgoing commissioners for their efforts, and the advisory council, having completed its mission, disbanded.

THE K-9 PLATOON REFORMS

Although a number of its recommendations remain to be implemented, the advisory council, and by extension the police commission that formed and sponsored it, had a lasting effect on the condition of women within the police department. The police department ultimately formed an internal women's advisory group, the Women's Issues Group, that reports to the chief of police.

The police commission also reviewed the issue of discrimination and bias against gays and lesbians. In 1992, the commission approved a proposal that for the first time would allow uniformed officers to staff a booth at a gay pride festival. Previously, participation had been allowed only on an off-duty, out-of-uniform basis. As part of the effort to provide a sounding board for the gay community, Commissioner De Los Reyes met with representatives from a broad spectrum of groups including ACT UP and Queer Nation. The commission also pushed for a settlement of a civil suit brought by Mitch Grobeson, a former Los Angeles police sergeant, who alleged that he had been harassed by the department because he was gay. The settlement was successfully concluded, and Sergeant Grobeson returned to duty a few weeks after the former commissioners ended their term.

The problems are, of course, far from solved. As recently as mid-May 1994, allegations of sexual harassment within the police department once again made newspaper headlines, prompted by an audit, followed by series of transfers out of West Los Angeles and a class action law suit. Similarly, a group of gay and lesbian officers have made legal allegations of discriminatory treatment.

Both the police commission and the Christopher Commission had heard allegations of problems in the police department's K-9 (canine) Platoon. The K-9 unit was also the focus of a series of civil law suits. In response to these concerns, the police commission adopted an interim policy in January 1992 requiring that a K-9 supervisor be present at the commencement of any canine search and that documentation of the case be forwarded to the police commission for monitoring and review. Additionally, the commission ordered its staff to begin an in-depth review of the K-9 Platoon.

The police commission chose to focus not on specific acts of misconduct—those were being investigated through internal disciplinary procedures—but on the management, policies, and practices of the K-9 unit. By looking at the unit from a management perspective, the commissioners saw the opportunity to exercise their executive oversight responsibilities more effectively. As part of that effort, commission staff interviewed K-9 Platoon personnel, observed K-9 training exercises and dissected department training materials and manuals. Commission staff also interviewed K-9 personnel and experts in the field throughout the country to determine the prevailing standards and to identify those elements that might best be adapted to LAPD use. This lengthy and comprehensive overview took more than six months to complete.

The review looked at a number of issues: (1) how the K-9 units were used, including restrictions on K-9 deployment and when officers were required to warn the suspects that a K-9 search was

imminent; (2) how K-9 units were structured and supervised; (3) how units were selected and trained; and (4) when the dogs were allowed to bite and how such incidents were investigated.

As the review progressed, it became clear that the K-9 Platoon was already in the process of evolutionary change and that additional supervisory and policy controls had been added over the years since the platoon was first organized in 1981. The commission, nonetheless, wanted to ensure that this process would continue and that changes would be identified clearly and reflected in police operations.

There was at least one complicating factor. A consortium of attorneys had filed a number of civil lawsuits against the department for alleged K-9 abuses. The commissioners wanted to produce an objective report that would result in continuing policy reform, but they were also aware of the potential impact of such a report on pending litigation. It was a familiar dilemma.

This time, however, there was a solution. The commissioners asked the attorney assigned to defend the city in the K-9 lawsuits how they could produce an uncompromised report that would not jeopardize the city's position in the pending litigation. The city attorney agreed to work as facilitator for the commission in this matter. Usually by changing only a few words or phrases that did not alter the substance of the report in any way, the commission was able to state its conclusions and findings in a neutral manner, making its point without jeopardizing the city's position in civil litigation. It was an important exercise in balancing two very critical but possibly competing goals.

After months of research and commission review, culminating in a special meeting devoted to the subject, the report, *K-9 Policies and Practices*, was issued in final form in August 1992. It contained a number of significant recommendations, including implementation of a policy that pre-search warnings be routinely made, development of a standardized bite investigation format, creation of a special review board for serious incidents, and continuation of the transition to a "barked alert" approach. (Note: In this approach, the canine "alerts" and confronts the suspect by barking, rather than silently approaching the suspect, and by alerting his handler via body language. In both approaches, training and handler control are critical to outcomes.) The report also recommended the addition of personnel and equipment, the development of a consolidated policy manual, and the clarification of policy regarding the operation within city limits of K-9 units from outside jurisdictions. The nearly 50-page document concluded with a reiteration of the basic policy that "the deployment and use of canines should be based upon an evaluation of the totality of the circumstances, including such factors as the nature of the crime, the propensity for violence, the threat and level of danger to officers or residents, the age of the suspect, and the effectiveness of the operation in order to determine if the deployment is in the best interests of the department and the community and is in the furtherance of officer and public safety."

POLICE COMMISSION OPERATIONS

The two years of controversy, challenge, and accomplishment yielded a number of specific lessons about police commission operations in Los Angeles. Among them were the following:

1. The police commission can and must function as a sounding board for public concerns.

The police commission provides an effective forum for public debate about the police department and law enforcement issues. The commission allows for grass roots involvement, one of the basic tenets of community policing. Public debate is often painful, however, frequently time consuming, and sometimes a distraction from central issues. The challenge is to include public opinion in a sound decision-making process, without being consumed by political byplay inherent in such a process.

2. The composition, attitude, and commitment of the police commission is critical.

Serving as a part-time board, the commission must be able to maximize its assets. To enhance the commission's oversight function, commissioners should have diverse, yet complementary backgrounds and areas of expertise. Exposure to city government and a working knowledge of its rules of operation are a necessity. The commission must be willing to consider the varying views of its members, and its members must be willing to work cooperatively to achieve consensus. This is a process that takes an extraordinary amount of time and a strong commitment to achieving group objec-

tives. Although the busiest people may often get the most done, the availability and accessibility of commission members is an important consideration in determining the board's composition.

3. The police commission staff must be fully utilized.

Even the most committed police commission must rely heavily on its staff. The staff serves two essential functions. First, it provides the commissioners with in-depth analyses of current police department issues, practices, and policies. A good staff recognizes the importance of objective and well-presented information. For that reason, having an experienced auditor on the staff proved particularly valuable, and should be a factor in filling any future vacancies. An effective commission must be deployed in the most productive way possible; it is the commission's first line of defense.

Second, the staff provides the commission with continuity, institutional knowledge, and historical perspective. Commissioners serve limited terms. In the past, a chief of police could simply stall a commission whose policies were not to his liking, waiting until its term expired. While charter reform has altered this situation to a certain degree by limiting the terms of office for the chief, the institution of the police department still has an internal continuity that the commission lacks. Commission staff help to balance this equation.

Given the importance of staffing, it is critical that the police commission continue to push for the level and quality of staffing recommended by the Christopher Commission. It is clear that Christopher Commission mandates have not been

met: the executive director position was downgraded from a general manager to a lower level management position; the inspector general position remains unfilled; and the size and scope of the staff, while increased, are still below recommended levels.

4. The commission must rely on all its resources both inside and outside city government.

Given the scope of problems it faces, the police commission should look to a variety of sources for expert assistance, for example, the use of special advisors, special consultants, and outside legal advisors. It should be noted, however, that an impressive offer of assistance in organizational and management reform from the U.S. Military Academy at West Point was ignored by the police department in the 1991 to 1993 period. The Chief of Staff of the United States Army offered the services of trained behavioral scientists to assist the department in changing its paramilitary orientation, but the unique opportunity was squandered.

The police commission should also take advantage of resources within city government and use them in nontraditional ways. The commission's reliance on the city attorney as a facilitator during the production of the K-9 report is a case in point.

5. The commission is often most successful when focusing on a specific issue and following it through.

The police department is a complex bureaucracy. Attempting to make wholesale change is a virtually impossible task. Even when the public demands sweeping change, the most effective approach is a step-by-step process to address specific problems. The commission was most effective when the issue at hand was of a limited scope, for example, the K-9 Platoon reforms.

A NOTE TO FUTURE LOS ANGELES POLICE COMMISSIONS: THE UNFINISHED TASKS

When the 1991-1993 commissioners met once again to review their two years together, the sense of unfinished business that each had carried since their last official meeting began to assume definite form. They developed a series of recommendations, outlining areas that the commissioners had not been able to address during their tenure together or that needed further attention. A summary follows:

1. The Christopher Commission

The Christopher Commission should be reconvened to reenergize, redefine, and reevaluate the progress of reform. The original Christopher Commission set the wheels of reform in motion, but after one brief reconvening, was largely absent during the ensuing debate and planning phases. Subsequently, there was always some ambiguity about recommended reforms and how the department's response should be evaluated. A reactivated Christopher Commission, working cooperatively with the police commission to define the course of progress, would provide a blueprint of action for the LAPD, the police commission, the city council, and the public. Moreover, the initial enthusiasm for reform, which has faded over time, could be rekindled by a reconvened Christopher Commission.

2. Gender and Ethnic Balance

The focus on gender and ethnic balance must continue. Clearly, it is difficult to respond to public concerns over rising crime, the need for more officers, and the reality of limited fiscal resources, while

attempting to make the police department more gender balanced and ethnically diverse. Yet, it is because of this difficulty that the police commission has to be extraordinarily vigilant.

While acknowledging the police department's initial aggressive and successful outreach efforts, especially with respect to female recruits, the police commission should also monitor the composition of future police academy classes to ensure that this trend continues. Additionally, the commission should monitor the department's record of retaining and subsequently promoting these recruits to ensure that the initial success in recruitment is not undermined by the loss of talented officers to other jurisdictions or private industry.

3. Community Involvement

Officers should be encouraged to become more involved with the communities they serve. Community policing provides the model for a new relationship between the police department and the public. Experience has shown that police officers are able to serve in a professional and committed manner in geographical areas in which they have little off-duty contact. It is also true, however, that the more community contact the officer establishes, whether it be through community service, volunteer work, or, optimally, through residency, the more community policing becomes a living reality. Although the police commission cannot require such off-duty activity, it can and should encourage it and acknowledge those officers who demonstrate this added commitment to their community.

4. Gun-Related Violence

The commission should take a more active role in stopping the proliferation of guns in Los Angeles. This is a controversial position, but one which ultimately benefits both the LAPD and the community. Law enforcement is largely united in its view that the proliferation of guns only complicates and increases the burden on already strained police resources. The police commission's role in this area is admittedly limited, especially in view of recent litigation, which transferred responsibility for concealed weapon permits from the commission to the chief of police. That notwithstanding, the commission can continue to aggressively monitor the actions of gun dealers and gun sales. It can also promote, in the course of its budget review, the addition of staff to the department's Gun Detail. Additionally, the commission can require continuing analyses of gun seizures and crime statistics to help the police department better focus its efforts to curb gun-related violence in the community.

5. Perceptions of Community Safety

Although the importance of combatting violent crime cannot be minimized, the reality in Los Angeles is that the level of serious crime has decreased over the past several years. In the first three quarters of 1994, crimes of violence declined more than 13 percent compared with the preceding year. Less dramatic declines also occurred in 1993 and 1992. In September of 1994, homicides were down a phenomenal 25 percent. Yet the popular belief persists that crime is on the rise and the police are powerless to stop it. This belief was fueled in part by a much publicized increase in homicides during

1992. The civil unrest that erupted in the spring of that year only served to reinforce the myth that the city was out of control and that no end was in sight.

The police commission should make an affirmative effort to assuage community fears and to ensure that accurate information is widely disseminated. Such an effort must be thoughtfully executed. On the one hand, the level of violent crime is high enough, especially in certain areas of the city, that many people's lives are touched by it. This cannot and should not be ignored. On the other hand, significant progress is being made overall, and efforts must be made to bring public perception of crime more in line with reality. The city is slowly becoming safer; its residents should be made aware of that fact.

6. Accountability

Individual and departmental accountability for officer behavior must be strengthened. The police commission and the police department have already stepped up their monitoring of officer actions, and the commission's efforts will be even stronger if the appointment of an inspector general is made. But it is not enough to single out individual officers. The chain of command must become a chain of accountability. Higher ranking officers bear significant responsibility for those whom they supervise. This assumption should be part of the commission's monitoring and evaluation program.

7. The Balance of Leadership

For much of its recent history, the police department focused on technological progress and the development of a professional and internally cohesive police force, but it seemed unaware of the increasing alienation of various segments of the community. In the aftermath of the Rodney King incident, the investigation by the Christopher Commission, and the 1992 unrest, the focus appropriately shifted back towards mending relationships with the community. The importance of a partnership between the police and the community they serve cannot be underestimated.

The police commission has a responsibility, however, to ensure that the LAPD management provides leadership to its own ranks, at the same time it is reaching outward. Leadership from the top down should pay close attention to and be responsive to the needs of the department and its officers. Rather than relying on ad hoc responses to current events, top management must also provide the department with a direction, derived through concentrated strategic planning. The police commission can and should require no less. Just as top management has a responsibility to provide leadership, the rank and file have a responsibility to work constructively with that leadership. LAPD needs a united effort, a united vision, and a united spirit. Furthermore, if significant progress is to be made, the first move must come from the top, with guidance from the police commission and leadership exercised by the chief of police.

BUILDING ON THE COMMISSION EXPERIENCE: THE BROADER CONTEXT

The structure of city government in Los Angeles has produced a police commission that is distinctly different from other law enforcement oversight agencies. The commission provides a strong civilian component, but it is both more than and less than a classic civilian review board. On the one hand, the commission has considerably broader areas of responsibility because it sets policy, appoints the chief, and exercises general executive oversight of the police department. On the other hand, although the commission reviews and monitors the disciplinary system, it does not actually recommend discipline or exercise the sort of direct influence that is characteristic of a typical review board. (Note: Historically, most review boards are advisory, and the final power to discipline, as in Los Angeles, rests with the chief of police.)

The struggles of the former commissioners highlight the strengths and weaknesses of the current system in bold relief. The imperfections of the present system, with its limits and roadblocks are obvious. Some have argued that a part-time civilian body cannot exercise meaningful control over the police department and that a totally different, and as yet untried, approach might provide more effective civilian oversight. Nevertheless, the police commission's record demonstrates that it is possible to exert considerable positive influence. To its credit, the present system provides the commission with a unique perspective from which to take action.

The commission is both inside and outside the department, a position that helps define the nature of its relationship with the department and the community. Although a level of endemic tension clearly exists between the LAPD and the commission, this may be mitigated by the commission's being only one of a number of other civilian commissions in the city, rather than a specially created "watchdog" agency whose only mandate is to police the police. Because the police commission has undeniable roots in the community, it may be better equipped to respond to changing community needs and public sentiment, countering the tendency toward insularity that can characterize police culture—not only in Los Angeles, but also in other cities. The commission, being part of and apart from the police department, can help maintain the balance between sometimes competing interests.

That notwithstanding, the recent realignment of the city government power structure, with its tilt toward the city council and away from the mayor, has diluted the power of civilian commissions. The charter amendment that gave the council the authority to override police commission action has confused even further the already convoluted lines of authority and accountability. Certainly these developments had an impact on how and how well the former commissioners were able to move toward reform. Questions remain about whether the balance of power in Los Angeles should be adjusted or whether the structure of municipal government should be changed in more dramatic ways. While these questions are beyond the scope of this report, they nonetheless deserve further study.

SUMMING UP

It is fitting that members of the commission whose direction and major accomplishments are epitomized in two reports should meet once again to produce their own final report. This particular police commission emerged on the scene in the aftermath of the Christopher Commission report. Its mandate of change and reforms shaped the 1991-1993 police commission's destiny. The Christopher Commission report made a broad and sweeping analysis of the police department, but it was equally broad in its conclusions and lacked specific methods for implementing recommended reforms.

A year later, confronted by the devastating riots of 1992, the police commission directed the production of another report, *The City in Crisis: A Report by the Special Advisor to the Board of Police Commissioners on the Civil Disorder in Los Angeles*. Much more narrowly focused, the special advisor's report pinpointed the deficiencies in the LAPD response. The recommended changes were specific. The payoff was readily apparent the following year; the LAPD was well prepared to respond to potential problems following the announcement of the verdicts in the federal trial of officers involved in the King affair. Once again, in 1994, the legacy of the five former commissioners was made manifest in the department's response to yet another major crisis, this time inflicted by nature—the Northridge earthquake.

For each of the commissioners, their departure was tinged with a sense of frustration at how much they wished to accomplish and how much remained to be done. Both as a group and as individuals, they were strongly motivated to effect

significant change. The overwhelming size of the task, and the very real obstacles they encountered, however, meant that many of their goals could not realistically be attained in their short tenure.

Frustration is perhaps inevitable for any active police commission. Institutional change is neither easy nor swift. These commissioners, however, were appointed during a period of crisis and urgency during which they had little time to take stock and lay out an articulated plan for the future. Unlike other police commissions, this commission's ability to carry through was cut short by the election of a new mayor and the subsequent reconstitution of all city commissions. The commissioners had begun the process, but were forced by events to hand it over to the next police commission for follow through.

Their sense of frustration notwithstanding, the commissioners' achievements were not inconsiderable. They may not have had the luxury of unlimited time to absorb information about the structure of the department and frame their responses, but their teamwork and collective judgment left their mark. If much remained to be accomplished, the commissioners bequeathed to their successors something critically important, the groundwork for future reform upon which subsequent police commissions

could build. During their tenure, the commissioners began implementation of the Christopher Commission reforms, established a framework for dialogue and analysis that centrally involves the commission staff, and left a blueprint for action to combat gender discrimination.

Above all, the former police commission set a new standard of commitment and involvement, and through this forged a link of mutual respect and common interest that will continue long into the future.