POLICE SHOOTINGS AND THE PROSECUTOR IN LOS ANGELES COUNTY

AN EVALUATION OF OPERATION ROLLOUT

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FOREWORD

This is a report of how prosecutors and police in one county of the United States determine whether police officers are justified in shooting citizens. The report's observations and conclusions reflect traditions, policies, and personnel practices unique to Los Angeles County. But underlying questions in the report—when should the police shoot at citizens and who is to determine whether the use of deadly force was correct under the circumstances—apply to every law enforcement jurisdiction.

The more that is learned about police use of deadly force, the more likely it is that elected officials, police, and citizens will be able to develop and put in place policies and practices that make certain the local police agency does not misuse its authority to use deadly force. An increasing number of local governments and police agencies are limiting the circumstances under which police officers may shoot at citizens. Some of the nation's best police departments are moving toward policies of permitting officers to use deadly force only in the defense of life. There appears to be a national trend away from allowing police officers to shoot at nonviolent fleeing felony suspects.

These changes in deadly force policies and practices are an acknowledgment of the awesome authority of the police to use deadly force. That authority is the most extreme manifestation of the power citizens confer on local government in exchange for guarantees of order and common safety. Citizens, in turn, should expect that their police department will use this authority only when absolutely necessary, and that each instance of the use of deadly force will be thoroughly investigated.

Citizens must keep in mind, however, that there are aspects to policing which are extremely difficult and threatening. At times, police officers must deal with violent, deranged people, cornered felons, and even terrorists. Police departments must be given the resources to develop and use training and tactics designed to avoid or delay the types of confrontations with violent citizens that can erupt quickly into the police use of deadly force. Police departments must have policies that enforce restraint in the use of deadly force, as well as training and specialized units which give substance to those policies.

As noted, this report discusses the investigation of police shootings in Los Angeles County. Besides contributing to a growing body of literature on police use of deadly force, it provides citizens and policy makers of Los Angeles County with the opportunity to decide whether they may wish to change the manner in which police shootings are investigated.

Patrick V. Murphy
President
Police Foundation

PREFACE

The relationships of police and prosecutor in this country have long been ambivalent. Anyone who gets close to their day-to-day encounters can find a great deal of tension, conflict, and disagreement. Yet to the outside world, the two agencies may look like—and act like—the closest of allies.

The reports of tension and conflict date back at least to the Cleveland Crime Survey of 1922. They were confirmed by the 1931 report of our first national crime commission, the U.S. National Commission on Law Observance and Enforcement. As a 1981 Georgetown University study notes, the report of the Wickersham Commission alleged a "frequent and characteristic want of cooperation between the investigating and prosecuting agencies in the same locality."[1] A half century later, the Georgetown study itself found "intense interpersonal animosity as well as interorganizational conflict and non-cooperation."[2]

Most of the conflict seems to arise over the question of case "fallout." Confronted with many more arrests than they have the time and resources to process, prosecutors refuse to prosecute the vast majority of cases big city police bring to them. This angers the police, leading to mutual accusations and recriminations. And when reports on the fallout rate become public, police and prosecutors tend to blame each other for letting criminals loose.

When it comes to the prosecution of police misconduct, however, a very different picture appears: collusion rather than conflict. Reports on this issue generally fault the prosecutor for being too friendly with the police and overly reluctant to prosecute them. Paul Chevigny's 1969 book on police brutality, for example, concluded that "the power of any district attorney to protect the police and perpetuate abuses is nearly as great as his power to eliminate them, and unfortunately most prosecutors in the United States have chosen to side uncritically with the police."[3] Similarly, the 1972 Knapp Commission report on police corruption in New York argued that no one trusted district attorneys to investigate police corruption objectively, since they depend heavily on police officers for investigations. The report concluded that district attorneys and police "work so closely that the public tends to look upon them—and indeed they seem to look upon themselves—as allies of the Department."[4]

Nowhere is this image more clearly drawn than in the prosecution of police for improper use of deadly force. Kobler's analysis of 1,500 killings of citizens by police in the 1960s (as reported in press clippings) could find very few cases referred for prosecution and only three that resulted in criminal punishment.[5] Later reports by Uelman and the Police Foundation[7] found the same pattern. Perhaps there should be very few prosecutions of police for using deadly force. Perhaps police are shooting and killing people in only the most extreme circumstances, and should not then be faulted for what they are legally privileged or even obliged to do. Even those who point to the wide variation in the rates at which police kill people—inferring the great discretion present in the officer's decision—would agree that an aggressive shooting policy is quite legal in most states and should not be punished with prosecutions. Shooting unarmed fleeing felony suspects in the back, for example, is legal for police in more than half of the states.

1. Quoted in William F. McDonald, Henry H. Rossman and James A. Cramer, *Police-Prosecutor Relations In The United States: Executive Summary* (Washington, D. C.: Georgetown University Law Center, 1981), 1.
2. Ibid, iii.
3. Paul Chevigny, *Police Power* (New York: Pantheon, 1969), 250.
4. Commission to Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures, *Commission Report* (New York: George Braziller), 14.
5. Arthur L. Kobler, "Figures (and Perhaps Some Facts) on Police Killings of Civilian in the United States, 1965-69," *Journal of Social Issues* 31, 1 (1975) 185-91.
6. Gerald F. Uelman, "Varieties of Police Policy: A Study of Police Policy Regarding Use of Deadly Force in Los Angeles County," 6 *Loyola Law Review* (1973) 39.
7. Catherine H. Milton, et al., *Police Use of Deadly Force* (Washington, D. C.: Police Foundation, 1977).

But in the eyes of many minority communities, the facts are not so clear cut. These communities, where the majority of police killings of citizens occur, may place a different interpretation on the absence of prosecution of police: complicity between police and prosecutor, cover-up and mutual protection by two agencies of the white establishment. Fine legal distinctions may appear to be excuses for what the communities define as murder. The distrust of police and prosecutors engendered by such suspicions can be harmful to all concerned, limiting the public cooperation that law enforcement so desperately needs to do its job.

It is for this reason that the prosecutor's response to police shootings is so important and subject to such intense public scrutiny. The most minor details of investigative procedure can become major issues of public trust in the heat of the reaction to a police killing. As this report shows, Los Angeles County provides an excellent example of these problems. The entire country can profit from its experience.

Lawrence W. Sherman
Director of Research

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Craig D. Uchida
Project Director

POLICE SHOOTINGS AND THE PROSECUTOR IN LOS ANGELES COUNTY

AN EVALUATION OF OPERATION ROLLOUT

I. INTRODUCTION AND SUMMARY

This report evaluates Operation Rollout, a program in the Los Angeles County District Attorney's (LADA) Office for investigating shooting incidents involving police officers. Under Operation Rollout, which began in February 1979, a deputy district attorney (DDA) and district attorney investigator (DAI) "roll out" at any hour of the night or day to observe and investigate police shootings in which officers have killed or wounded citizens. Of the 52 police agencies in Los Angeles County, 27 participate in Rollout, based on voluntary agreements with LADA.

The evaluation analyzes all officer-involved shooting cases investigated by LADA during a four-year period two years before and two years after Rollout began. It reports on observations of 20 rollouts that took place between November 1980 and January 1981, or about one-tenth of all the rollouts in the two years since the program began.

The evaluation report was funded by a $30,000 grant from the Law Enforcement Assistance Administration (LEAA) with additional support from the Police Foundation.

A. *IMPLEMENTATION GOALS*

LADA defined the process, or "implementation," goals of the program, as fullness, fairness, objectivity, independence, and timeliness of all investigations of police shooting incidents. These are our findings with respect to those central goals of the program.

- *Fullness* Operation Rollout clearly increased the fullness of LADA investigations of officer-involved shootings. During the two years of Rollout's existence, the LADA's office has interviewed more civilian witnesses, attended more autopsies, conducted more reenactments of shooting incidents, and asked to interview more police officer witnesses through the grand jury than in the two years before Rollout began.
- *Fairness* We could not measure the goal of fairness with any accuracy.
- *Objectivity* Some members of the community in Los Angeles County still question the objectivity of LADA investigations because the district attorney investigators have law enforcement backgrounds, but we found no adequate means of measuring this goal. Police agency staff also question the objectivity of Rollout, charging that the LADA teams are "out to get cops."
- *Independence* Judging from our observations of 20 rollouts, the program has done little to increase the independence of LADA investigations, which still have to rely almost entirely on evidence and witnesses that the police control in the immediate aftermath of the incidents.
- *Timeliness* The LADA's office clearly increased the timeliness of its prosecutorial decisions on police shootings during the Rollout years. The average time for LADA to complete police shooting investigations was cut in half under Rollout, dropping from 264 to 119 days from the date of the shooting, and from 172 days to 34 days from the date the DA received the police report.

B. *POSSIBLE EFFECTS OF ROLLOUT*

In addition to these implementation goals, we also examined the possible effects of Rollout on several aspects of criminal justice in Los Angeles.

- No police officers were prosecuted for unjustifiable use of their weapons during the Rollout years. The Rollout program may have helped to deter unjustifiable shootings, but we have no way of measuring its impact. Other factors may have deterred them as well.
- Rollout has helped to make LADA decisions in police shooting investigations somewhat more visible than they had been, and the recent LADA policy of sending all "decision letters" on the investigations to the news media should increase public visibility even more.
- Rollout's implementation coincides with a long-term decline in the frequency of police shootings, but there is no method available to determine how much of the decline, if any, was caused by Rollout.
- Rollout also coincides with a decline in the proportion of all police shootings that were "elective"—in the sense that they involved no immediate threat to the lives of officers or other innocent citizens—but, again, we have

no way of determining how much of the decline was due to Rollout.

- There was virtually no change in the injuries to police officers during officer-involved shootings under Rollout, with the exception of a rise in woundings of LAPD officers from 6 percent of all shooting incidents reported to the DA before Rollout to 15 percent during Rollout. Here again it is impossible to know what effect, if any, Rollout had on police injuries, especially since the proportion of all shooting incidents reported to the DA increased during Rollout. The absence of an increase in injuries in the other county police agencies participating in Rollout suggests that Rollout alone is *not to blame* for the slight increase in injuries to LAPD officers.
- The Los Angeles Police Department (LAPD) and the Los Angeles County Sheriff's Department (LASD), the two largest police agencies in Los Angeles County, refused to provide data on their disciplinary actions for police shootings. Their lack of cooperation with our federally funded evaluation is consistent with the treatment the Los Angeles County District Attorney's Office received in the early days of the Rollout program. Of the 19 departments that complied with our request for data on disciplinary action, only Long Beach was large enough to show any change: an increase in officers disciplined during the Rollout period. Yet again, we cannot say whether Rollout caused this change.

C. *RECOMMENDATIONS*

The purpose of this evaluation is to provide information for helping to answer three key questions about the federally funded Operation Rollout: Should Los Angeles County continue Rollout? Should other jurisdictions adopt the program? Should federal funds be used to support Rollout elsewhere? The facts reported in this study can support a variety of conclusions, depending on the value judgments and interpretations one could make about them. The reader can therefore draw his or her own conclusions about those key questions. Police Foundation staff working on this project have drawn their own conclusions and offered them as recommendations.

Evaluation research typically addresses this kind of question in terms of costs and benefits. As a federally funded program, Rollout costs at least $283,000 per year (and probably somewhat more in local funds) to operate. This figure is approximately .57 percent of the total LADA budget of $49.1 million per year and only .04 percent of the total Los Angeles County criminal justice system's budget of $730.1 million.* The other costs of Rollout, which we could not measure, are its possible effects on officer morale and general performance. There is fairly good evidence that the program has not resulted in any increase in danger to police officers since the program began. These costs should be seen in the context of the more than 100 officer-involved shootings each year, on average, for which Rollout strengthens the system of checks and balances. In that context, the cost of $2,830 per shooting seems to be relatively minor.

The benefits are a clear increase in the speed and fullness of prosecutorial investigations of police shootings, Rollout's possible contribution to the overall decline in the percentage of "elective" shootings, and the apparent increase in the visibility of prosecutorial decisions. Whether these definite and not-so-definite benefits outweigh the measured and unmeasured costs of the program can only be a value judgment. In our judgment, they do.

Had greater financial resources and access to confidential police data been available for this study, the costs and benefits would be more clearly defined and the value judgment would be easier to make. But most decisions are based on imperfect information, and they can rarely be delayed until the quality of the information improves. This report provides at least some additional information about Rollout in time for it to be considered in future funding decisions. The information is far from complete, and on some points it is highly uncertain. But the benefits that are certain seem to outweigh the identifiable costs. If there were major costs of the program that we had not identified, that conclusion would have to change. Until evidence of such costs becomes available, the existing information leads us to this conclusion.

Perhaps another way to consider the question is to ask what would happen if Rollout were to be discontinued. In a county in which the police have long enjoyed substantially greater freedom from outside control than police in most other areas of the United States, Rollout has become a symbol of a movement to create greater police accountability. Indeed, Rollout is but a minor issue on the surface of a profound political and philosophical debate over how much autonomy the police should have. In light of that debate, putting an end to

* Figures provided by the Los Angeles County Board of Supervisors' Office reflecting the budget as of July 7, 1981. It is also worth noting that an unsuccessful 1977 proposal to begin Operation Rollout estimated the annual budget at $745,331. Memo from Dallas H. Candy, Acting Director, Bureau of Administrative Services, Los Angeles County, to John Van de Kamp, District Attorney, p. 2 (N.D.)

Rollout would be perceived as a defeat for the accountability movement and a reassertion of police independence from outside review. It would weaken the one check and balance available to governmental machinery in managing one of the most sensitive race relations issues in the county. For a society in which checks and balances are a major principle of government, their absence in any major political debate can produce serious problems.

In the view of the project staff, then, the benefits of Rollout appear to outweigh the costs. But that does not necessarily mean that Rollout should be continued in its present form. The findings suggest that there are several aspects of both prosecutorial and police procedures in relation to Rollout that can be improved. Our recommendation that Rollout be continued does not depend on instituting improvements, but we do suggest that the program would be more effective if the recommendations were implemented.

1. Overall we believe that Los Angeles County should continue Operation Rollout, but with major modifications. In general, the LADA should be more aggressive in demanding information and access to information from the police agencies, particularly the LAPD. We believe the following modifications would enhance and strengthen the program.
   - The Rollout team should be given complete freedom of movement at the scenes of all officer-involved shootings.
   - The LAPD should diffuse assignment of command of shooting investigations to a team of rotating, co-equal investigators.
   - All police agencies should adopt the LASD format of reporting on their investigations to LADA, including transcripts of all interviews. Equally important, all interviews should be tape recorded by the police agencies and LADA.
   - The Rollout team should be allowed to observe police interviews of civilian witnesses and should be allowed to interview police witnesses as soon as police investigators have finished with each witness.
   - The LADA's office should empanel a special grand jury to hear testimony from police officer witnesses to the shooting incidents. Lengthy delays in the decision process may be avoided by establishing a special grand jury. Although most of the police agencies in Los Angeles County have cooperated with the DA, problems with interviewing police officers persist.
   - The LADA's office should discuss Rollout with police officers at special training sessions or roll calls of all affected police agencies.
2. Other cities should consider adopting a Rollout program if there is a significant absence of public confidence and trust in the objectivity of police shooting investigations.
3. Federal funding of other Rollout programs should be considered only to demonstrate new approaches.

II. THE ROLLOUT PROGRAM

A. *THE ORIGINS OF ROLLOUT*

In the past four years the public has focused much attention on police use of deadly force in Los Angeles County. To answer the many demands for restraint, the Los Angeles Board of Police Commissioners revised the LAPD shooting policy in 1977 and implemented further restrictions in 1979. Two shootings instigated those changes—the 1977 shooting of Ronald Burkholder and the 1979 killing of Eulia Love.

Burkholder, a 35-year-old chemist, was shot and killed on the streets of Los Angeles. The Los Angeles Police Department (LAPD) sergeant who shot him claimed that Burkholder had been crazed and combative. According to the police version of the incident, the sergeant fired only when Burkholder lunged at him after assuming a martial arts stance, which the sergeant believed could have led to a lethal attack. The coroner later determined that Burkholder, who was nude at the time of the incident, had been under the influence of PHP (a derivative of phencyclidine, [PCP] or angel dust). Both the Board of Police Commissioners and LADA cleared the sergeant of any wrongdoing, but the shooting created a major controversy.

In the wake of that shooting the civilian Los Angeles Board of Police Commissioners adopted a new firearms policy. The old policy was as broad as the state law:

> An officer is equipped with a firearm to defend himself or others against deadly force or, when it appears necessary, to effect the arrest of an escaping felon.[1]

The new policy opened with a preamble that attempted to express a more humane attitude toward police shootings: " . . . A reverence for the value of human life shall guide officers in considering the use of deadly force." The policy placed further emphasis on minimizing the rate of death with the directive that, "An officer does not shoot with the intent to kill." The new policy also:

- limits the fleeing felon clause to felons who have "committed a violent crime *and* whose escape presents a substantial risk of death or serious bodily harm to others";
- permits deadly force only after all reasonable alternatives have been exhausted or appear impractical;
- forbids officers from using deadly force to protect themselves from assaults not likely to have serious results.[2]

The public and the media applauded the policy revisions. But LAPD Chief Ed Davis criticized the new fleeing felon rule as too restrictive, and "likely to imperil the safety of police officers and to eliminate sixth sense police work."[3] Davis eased the restrictiveness, however, when he interpreted the new policy to mean that "an officer could draw his gun based on the tactical situation and his reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified."[4] The police commissioners accepted his interpretation and the tensions that had erupted briefly between Davis and the board subsided.

For about 16 months after the Burkholder case, the police shooting issue stayed out of the public eye. But in January 1979, another shooting occurred which created even more controversy than the Burkholder case: the LAPD shooting of Eulia Love.

Mrs. Love, a 39-year-old black woman on welfare, was shot by two officers as she threatened them with a knife after she had assaulted someone else in a dispute over a utilities bill. Because of the number of shots fired at her (12 in all) and the manner in which LAPD handled the case, the black community became incensed.

The Love incident prompted the Board of Police Commissioners to conduct a lengthy inquiry into the shooting policies of the LAPD. As part of its study, the board recommended changes in police training, selection, and community relations. More important, it required the LAPD to notify the district attorney's office immediately after all officer-involved shootings so that the DA could investigate the shootings promptly and independently.

Before the commissioners made their report, Los Angeles County District Attorney John Van de Kamp submitted a grant proposal to the Law Enforcement Assistance Administration (LEAA) for an "Operation Rollout," a program for dispatching a deputy district attorney and a district attorney investigator to the scene of a shooting while all the evidence is fresh.

The proposal requested $255,000 from LEAA and $28,333 from local funds, amounting to a total of $283,333. The grant proposal was submitted in February 1979 and, with LEAA's approval, the grant period

commenced in December 1979. (The program had begun in February 1979 through separate local funding.) The proposal reflected Van de Kamp's concern that the use of deadly force by Los Angeles County law enforcement officers was inadequately monitored.[5] Rollout became LADA's response to the protests of blacks, Chicanos, and others that police investigations were coverups: biased, self-serving police efforts to protect their own, rather than fair and objective fact-finding.

Before the Eulia Love incident, the Los Angeles Board of Police Commissioners had required the LAPD to notify the DA's office of officer-involved shootings "where death ensued or where the circumstances justified a review." The board's policy excluded notification of shootings where an injury or wounding occurred. Where death or a controversy took place, notification was given to the DA's office within 72 hours.[6] The time lapse between the shooting and the notification made it impossible for the DDAs to observe the police investigation at the scene of the shooting. Within a week after the shooting, the LAPD usually sent a brief summary report to the DA's office, but the DA did not usually begin to review the police investigation until the LAPD sent a full, final investigative report. This second report took from several weeks to up to three months to complete. If the DA determined that there were substantial questions about the quality of the investigation or conflict in witness testimony or physical evidence, the DA's office would begin its own investigation. When the DA's office concluded its investigation, the DA would either close the case or file a criminal complaint.

The other county police agencies were not required to notify LADA of officer-involved shootings. Some departments voluntarily sent their final reports on all officer-involved shootings to the DA for review. Others sent reports on only some of their shootings.

When Operation Rollout went into effect in February 1979, only the LAPD was required to participate. Its participation meant notification of all officer-involved shootings where death or injury occurred. Shortly thereafter, all police agencies in the county were invited to participate. In June 1979, the Los Angeles County Board of Supervisors and Van de Kamp encouraged LASD to follow suit. The supervisors' request was prompted by the death of Steven L. Conger, a "good Samaritan," who was mistakenly shot by an LASD deputy after Conger aided a victim of a beating. Sheriff Peter J. Pitchess denounced the Rollout program and at first refused to comply. He viewed Rollout as "impugning the integrity of the departmental investigation" and believed that Rollout represented an unwarranted intrusion into LASD affairs. In addition, he said that a deputy district attorney and district attorney investigator "would duplicate the efforts of sheriff's investigators, would congest the scene and interfere with the whole process." After a month of negotiations, Pitchess agreed to participate.[7] District Attorney Van de Kamp asked the 50 other law enforcement agencies in the county to participate in the program as well.

As of June 1981, 27 departments subscribed to or participated in Rollout: Arcadia, Baldwin Park, Beverly Hills, California State University at Long Beach, California State University at Los Angeles, Claremont, Compton, El Segundo, Glendale, Glendora, Hermosa Beach, Inglewood, Irwindale, Long Beach, LAPD, LASD, Manhattan Beach, Palos Verdes, Pasadena, Pomona, San Fernando, Santa Monica, Sierra Madre, Signal Hill, UCLA, Vernon, and Whittier.

Non-participants include: Alhambra, Bell-Cudahy, California Highway Patrol, Culver City, Downey, El Monte, Hawthorne, Maywood, Monterey Park, San Marino, South Gate, and Torrance.

Five departments notify SID on a "selective basis": Azusa, Montebello, Redondo Beach, San Gabriel, and West Covina.

Eight agencies remain "undecided": Bell Gardens, Burbank, Covina, Gardena, Huntington Park, La Verne, Monrovia, and South Pasadena.

Until 1980 Van de Kamp had full approval for Rollout from the Los Angeles County Board of Supervisors, an elected body that oversees county affairs. Before the November 1980 election, a majority of board members were concerned with restraining the use of deadly force and had wholeheartedly approved the Rollout plan. But the election produced two new supervisors, both conservatives. Deane Dana and Michael Antonovich joined Peter Schabarum in bringing a conservative majority to the five-person Board of Supervisors.

In December 1980 Van de Kamp sought approval from the board for partial refunding of Rollout through the Law Enforcement Assistance Administration (LEAA). Though Van de Kamp and the then-Assistant District Attorney Johnnie Cochran anticipated difficulties with the new board, they did not anticipate the attempt to foreclose Rollout. Supervisor Deane Dana, who had opposed Rollout in his campaign, characterized it as antipolice and was prepared to block approval of the grant proposal. He joined with Peter Schabarum in deadlocking the board's vote at 2 to 2, Michael Antonovich abstaining to seek more information on the subject.

Van de Kamp was prepared to continue the program without the supervisors' approval and without additional funding from LEAA. Although the supervisors had authority to deny the grant application, they could not order the program discontinued. (The district attorney's total budget is approved by the supervisors,

but he is an independently elected official who can use the funds at his own discretion.) The Rollout unit was independently budgeted for the fiscal year with the understanding that any funding that could be obtained would provide an offset, freeing Rollout's money for other law enforcement uses.

In order to maintain the program, Van de Kamp and the board compromised. In exchange for the board's approval of the grant proposal, Van de Kamp agreed to establish another Rollout team that would respond to incidents in which officers were *victims* of felonious assaults.

The question of continuing Rollout will emerge again when funding from the federal government runs out in December 1981.

B. *ROLLOUT'S OBJECTIVES*

The DA's grant proposal to LEAA identified five specific, overlapping goals: to ensure that the investigation and resolution of officer-involved shootings in Los Angeles County are *full, fair, objective, independent, and timely.* "No matter how effective law enforcement self-examinations may be, it is necessary to avoid the appearance of bias and conflict of interest,"[8] the grant proposal said. Past reliance on written police reports often delayed the adjudication process. By rolling out immediately to the scene of each shooting, the DA team could ascertain its own facts and impressions. Lighting conditions, perspectives of distances, the overall atmosphere of the situation, the availability and demeanor of witnesses could all be determined within hours of the shooting.

Other goals for Rollout were elaborated in a report to LEAA by a professor of law at George Washington University, Gerald M. Caplan, who was LEAA's consultant and helped guide the funding decision for Rollout. Caplan, who had formerly served as general counsel of the Metropolitan Police Department in Washington, D.C., and as director of the National Institute of Law Enforcement and Criminal Justice, suggested these possible consequences of Rollout:

- A reduction in the frequency of police shootings, controlling for any changes in the levels and types of crime.
- More stringent police disciplinary action against officers involved in improper shootings.
- More prosecutions of police officers for improperly using their weapons.
- Increased community perception of fairness in the investigations of police shootings.
- More public information about the reasons for the prosecutorial decisions on whether to prosecute officers involved in shooting incidents.

This evaluation report treats the first goals specified in the LEAA grant proposal as the *implementation* of Rollout. The consequences postulated by Professor Caplan, as well as by many public interest groups, we define as the *effects*—or possible effects—of the program. Under this model, the nature of implementation determines whether the effects take place. That is, unless Rollout succeeds in making police shooting investigations more full, fair, objective, independent, and timely, there is no reason to expect any change in prosecutions of police, in the visibility of prosecutorial decisions, in public perceptions of fairness, in frequency of police shootings, or in police discipline. Nor is there any reason to expect that Rollout would have any unintended consequences for police safety.

C. *ROLLOUT'S PROCEDURES AND GUIDELINES*

Los Angeles District Attorney John Van de Kamp assigned the Special Investigations Division (SID), headed by Deputy District Attorney Gilbert Garcetti, to accomplish this independent investigation. Formed in 1966, the SID concentrates on "investigating and prosecuting cases involving alleged misconduct by government officials and employees, including elected officials and law enforcement personnel."[9]

Twelve deputy district attorneys (DDAs) serve under Garcetti, all of whom were hand-picked on the basis of certain criteria. All had been experienced trial lawyers (averaging nine years each) and had outstanding ratings as prosecutors within Los Angeles County. Because of the sensitive nature of their task, DDA Garcetti and his aide, DDA Robert Kuhnert, wanted men and women who had good reputations with the police. They wanted people who had "no axes to grind with the police"; people who would use good judgment and discretion.

Lieutenant Dewey Shoemaker of Van de Kamp's investigative staff and DDA Garcetti chose the 15 district attorney investigators (DAIs), equivalent to the rank of detective in a police department. In general, a DAI must satisfy the same requirements as any peace officer, including a physical examination, an age limit, and educational standards. Each investigator attends the LASD training academy, and all have law enforcement officer status. The average investigator in SID has spent 17.8 years in law enforcement activities, of which 11.6 years were spent in various divisions of the district attorney's office in Los Angeles County. They have worked their way through the ranks in areas such as juvenile crime, child support, welfare fraud, and insurance and major frauds. All have bachelor of arts or bachelor of science degrees and some have master's degrees. Each was selected on the basis of experience, maturity, knowledge, and professional image and reputation as an investigator.

The incentives to work in the Rollout program as investigators and prosecutors include overtime pay and compensatory time. For each week of duty on the primary Rollout team, the DAI and the DDA automatically accrue 36 hours of compensatory time, or the equivalent of almost five additional vacation days. If a shooting occurs after working hours, overtime pay goes into effect. On the average, each DDA and DAI is assigned to the primary team about four weeks during the year, thus giving them almost four additional weeks of vacation, plus an unknown amount of overtime.

Despite the financial incentives, the stigma attached to working in the SID reportedly deters many DAIs from requesting a Rollout assignment. Rollout work threatens their professional and social reputations in the law enforcement community, both among local police agencies and with other DAIs. Nonetheless, the SID investigators are viewed as among the elite of the LADA's office, and there has been no difficulty in recruiting enough investigators to fill the Rollout positions.

Two teams, each composed of one DDA and one DAI, are on call around the clock to respond to the scene of every officer-involved shooting in Los Angeles County. The first team, called the "A" team, has primary responsibility for responding to the calls. The second team, called the "B" team, serves as a back-up detail, responding only in the event that the first team is already out or has acquired too many cases to handle new ones effectively. Each member of the teams carries an electronic pager. In addition, all members of the "A" and "B" teams have radio-equipped cars.

Ideally, the DDA and the DAI proceed to the scene of a shooting immediately after the police have notified the SID. The LAPD or the LASD officer in charge of the investigation briefs the DA team concerning the shooting. If possible, the officer gives investigators the names of the officers involved and the names and addresses of any civilian witnesses.

At the conclusion of the on-scene investigation, the DDA and the DAI are briefed again and then taken on a walk-through of the shooting scene. At the scene, the DA team decides whether the case warrants further immediate investigation and whether additional DA personnel are needed. If the decision is to proceed, the team notifies Garcetti of its plan for the investigation so that he can review the decision and allocate resources.

If the SID investigation of the shooting incident is complete before LAPD or LASD sends its final report, the SID may go ahead with its decision concerning the criminal culpability of the officers, depending on the facts and circumstances of the particular case.

If, after receipt of the police reports, the SID concludes that no further investigation is required, the SID either initiates criminal proceedings or informs the department and the involved officer of the decision not to file criminal charges.

The letter or report to the department and officer involved sets forth the SID conclusions about the facts of the shooting incident and the basis for the decision to file charges or not. The letters or reports are made available to both the media and the public on demand.

The most difficult aspect of Rollout procedures has involved defining guidelines for the police to follow in dealing with the SID team at the scene of a shooting. After considerable negotiation, these procedures were formalized with both the LASD and the LAPD.

In July 1979, after Sheriff Pitchess had agreed to participate in the program, he and District Attorney Van de Kamp adopted guidelines for the field investigators in both agencies to follow. The guidelines, adopted in August 1979, consist of five parts—notification, investigation at the scene, investigation at the sheriff's station, handling of non-LASD shootings, and handling of off-duty deputy-involved shootings. The most important components of the agreement include the following:

- The DA's command post will be notified without delay, consistent with LASD reporting procedures. The notification shall include a brief description of the circumstances as they are known to LASD.
- Upon arrival at the scene, the LASD homicide lieutenant shall provide the DA team with a briefing of the information developed. A location will be provided to observe the on-scene investigation and a comprehensive walk-through of the scene will be provided.
- At the Sheriff's station the LASD homicide lieutenant shall contact the DA team as soon as possible after their arrival and will make every reasonable effort to keep them informed of the progress of the entire ongoing investigation. When the LASD investigators have completed their interviews of any civilian witnesses at the station and know that the DA team may want to interview the witnesses, the witnesses shall be made available to them. If possible, the LASD homicide lieutenant shall brief the DA team concerning the statements of civilian witnesses (see Appendix A for full text).

After LADA reached agreement on the guidelines with LASD, DDA Garcetti pressed LAPD for a similar agreement. The negotiations with LAPD were not so successful, however, and a great deal of public conflict ensued over the procedures to be followed at the shooting scenes. Not until 16 months after the guidelines

with LASD were established did the LAPD agree to a virtually identical set of guidelines. The major difference was the preamble to the LAPD-LADA agreement between the two agencies. The need to spell out an agreement of cooperation between the LAPD and the LADA demonstrated how far apart the two organizations had become. In order to close the gap and draw the two organizations together, Van de Kamp and Chief Daryl F. Gates agreed to cooperate in their endeavors.

> Both the LAPD and the District Attorney's Office recognize that a spirit of professional cooperation at all stages of the investigation best serve the interests of the community, the involved officer, the person shot, families of those involved, and our respective agencies. It is this spirit of professional cooperation that both agencies agree shall underlie the relationship between the two offices in the investigation of officer-involved shooting incidents and in-custody death (see Appendix B for the full text).

SUMMARY

Up to this point, we have discussed the origins of Rollout, its objectives and the procedures that guide the program. The operation officially began in February 1979 with funding from LEAA commencing in October of the same year. The program adopted five specific goals in its attempt to monitor officer-involved shooting: fullness, independence, timeliness, fairness, and objectivity. To achieve those goals, the SID established guidelines with the LASD and the LAPD.

III. THE EVALUATION

A. *OBJECTIVES AND HYPOTHESES*

This evaluation attempts to describe two sides of the Rollout program. One is how the program was implemented; that is, how it has actually operated in practice. The other side of the evaluation is what effects the program might have had on the criminal justice system in Los Angeles County.

We have already identified the program objectives as specified in the LEAA grant proposal as the implementation side of the program. The task of evaluating the implementation, therefore, is to determine whether the DA's investigations conducted under Rollout accomplished those objectives. Because the grant proposal implied that Rollout would achieve those goals more effectively than the procedures used before the program began, the evaluation is comparative. That is, the evaluation attempts to determine whether investigations under Rollout are *more* complete, fair, objective, independent, and timely than they had been in the years before Rollout.

We have identified Professor Caplan's list of possible consequences of Rollout as the impact side of the program. Here again, the evaluation is comparative over time, looking for any changes in prosecutions of police, the visibility of prosecutorial decisions, public perceptions of fairness, police shooting rates, and police discipline. In addition to Professor Caplan's list of possible benefits of Rollout, this evaluation also tests for an unintended cost of the program: a decline in police officer safety as a result of officers' reluctance to defend themselves properly because of a greater fear of punishment for the use of force, a fear that Rollout may have induced. The evaluation attempts to assess the degree to which any of these variables have been changed since Rollout began, in order to provide better information for making three public policy decisions:

1. Whether Los Angeles County should continue its Operation Rollout at local expense after the LEAA funding ends.
2. Whether other jurisdictions around the country should consider adopting a Rollout approach to serious police shooting incidents.
3. Whether the federal government should consider funding similar Rollout programs in other jurisdictions in which police use of deadly force becomes a major public concern. This question assumes that there is at least a possibility that Congress may reinstate funding of local law enforcement programs.

The evaluation was conducted under three major resource limitations: time, money, and cooperation from local police agencies. Under an LEAA grant of $30,000, we could not conduct all the research we had planned. As a result, we were not able to measure all of the variables identified as implementation and impact objectives. We could not determine, for example, the total number of officer-involved shootings in Los Angeles County in the two years before and the two years after Rollout began. Nor could we determine the number of disciplinary actions taken by Los Angeles police departments in relation to shooting incidents before and after Rollout. We did mail a questionnaire to every police agency in Los Angeles County in order to obtain these data, but neither the LAPD nor the LASD (nor 32 other police agencies) provided these data.

Time limitations also prevented us from reviewing all of the press reports on LADA decisions about police shootings before and after Rollout. We were, therefore, unable to measure precisely any changes in the visibility of prosecutorial decisions.

We were also unable to measure any changes in the fairness of prosecutorial decisions. The reason for this omission was not resource limitations, but rather the nature of the events. Since only one officer-involved shooting before Rollout led to a prosecution, and since no cases occurring after the establishment of Rollout have produced prosecutions, there is no basis for evaluating the fairness of prosecutorial decisions. Less quantitative or more subjective measures of fairness might have been possible, of course. We could have assembled a national panel of experts to review each investigation and to determine whether the LADA had made, in their judgment, a "fair" decision. But resource limitations clearly prevented that approach.

1. The Implementation Hypotheses

Thus, given resource and data limitations, evaluation of the implementation of Rollout consisted of tests of the following hypotheses:

H_1: LADA conducted a fuller investigation of officer-involved shootings under Operation Rollout than under earlier procedures.

H_2, H_3: LADA's office conducted (2) a fairer and (3) more objective investigation under Operation Rollout than under earlier procedures.

H_4: LADA conducted more independent investigations of officer-involved shootings under Operation Rollout than under earlier procedures.

H_5: LADA reached resolutions of prosecutorial decisions on police shootings more quickly under Operation Rollout than under earlier procedures.

The much-criticized delays in police shooting cases before Operation Rollout began were traceable to two separate sources: police delay in forwarding internal investigation results to the prosecutor for review and prosecutor delay in reviewing the case and deciding whether to prosecute. Again using LADA police shooting files, the evaluation compared mean length of time before and after Rollout for shooting date to prosecutorial decision; shooting date to police report; and police report to prosecutorial decision.

2. The Impact Hypotheses

Measuring Rollout's impact was undertaken by testing the following hypotheses:

H_6: LADA prosecuted more cases of unjustified use of weapons under Operation Rollout than under earlier procedures.

H_7: LADA decisions on whether to prosecute police officers involved in shooting incidents became more visible and accessible to the public under Operation Rollout than under earlier procedures.

H_8: Community leaders perceived the investigations of police shootings to be fairer under Operation Rollout than under earlier procedures.

H_9: Police shootings should have become less frequent in relation to crime and other factors under Operation Rollout than under earlier procedures.

H_{10}: A smaller proportion of all police shootings were "elective," or not in the defense of immediate threats to life, after Operation Rollout than before.

H_{11}: Police officers suffered no decline in their safety after Operation Rollout began.

H_{12}: Los Angeles County police agencies took more stringent disciplinary actions under Operation Rollout than under earlier procedures.

B. *METHODS*

Professor Caplan's memo called for a "soft" evaluation buttressed by statistics, but the evaluation presented here is both "soft" and "hard." Qualitative descriptive evidence has been collected through interviews with various members of both the LAPD and the LASD; interviews with members of the community; interviews with members of the SID; and observations of the Rollout program in action.

We also collected quantitative data on the 1977-1980 case files of the Special Investigations Division (SID) where Operation Rollout is based. We reviewed a total of 438 officer-involved shooting incidents involving the use of firearms by 733 officers in Los Angeles County (see Table 1). More than 100 variables were employed to help test the hypotheses (see Appendix C). The case files included a number of different documents from which the information could be obtained. Police reports, preliminary hearing transcripts, coroner reports, field notes of the DAIs, and the DA decision letters or reports were a part of the case file. Of the 52 police agencies in the county, 32 submitted cases for SID review. The majority of shootings occurred in the three major departments of the county—the Los Angeles Police Department, the Los Angeles County Sheriff's Department, and the Long Beach Police Department. These three police agencies accounted for 77 percent of the cases reviewed by the SID over the four-year period. Table 2 shows a breakdown of shooting incidents reviewed by the SID by year. Only incidents that involved police shootings resulting in wounds to civilians or other officers were included; events involving deaths or injuries by other means attributable to police action were eliminated from consideration (e.g., in-custody deaths, which are also a part of the Rollout program, were not studied). Discharges of firearms that did not hit anyone, shootings of animals, and suicides were also excluded from the study.

TABLE 1 DA-SID CASE FILES ON NUMBER OF OFFICER-INVOLVED SHOOTINGS BEFORE AND DURING ROLLOUT

	NUMBER OF CASES				
Period	LAPD	LASD	LBPD	Others	Totals
Pre-Rollout	100	82	1	51	234
Rollout	86	52	16	52	206
	186	134	17	103	440

TABLE 2 DA-SID CASE FILES ON NUMBER OF OFFICER-INVOLVED SHOOTINGS BY YEAR, 1977–81

	NUMBER OF CASES				
Year	LAPD	LASD	LBPD	Others	Totals
1977	41	34	1	23	99
1978	49	37	0	16	102
1979	52	32	3	30	117
1980	41	30	13	33	117
1981	3	1	0	1	5
	186	134	17	103	440*

* Because of coding limitations of the instrument used in this analysis, two shootings involving more than ten officer shooters were each treated as two separate incidents.

The authors collected observational data by rolling out on a total of 20 shooting incidents. For ten weeks the primary field researcher, Craig Uchida, was equipped with an electronic pager and notified by the SID command post of each officer-involved shooting incident. From November 3, 1980, to January 7, 1981, 23 officer-involved shootings occurred, one of which involved the Torrance Police Department, an agency that does not participate in the program. Mr. Uchida thus attended 20 of 22 possible rollouts that occurred in the ten-week period.[10]

C. *CAVEATS*

Social science is, at best, an imperfect means of arriving at scientific generalizations. If we could isolate counties, give Rollout to 100 of them, keep Rollout away from another 100, and compare the differences between the two groups, then Rollout's effects could be determined with some certainty. If counties were selected to participate in the Rollout program at random, then we could be fairly sure that any differences between Rollout and non-Rollout counties we observed were caused by the program.

Instead, all we could do was to look at one county over a fairly short time span. If the rates of certain kinds of behavior in that county increased or decreased after Rollout was implemented, then we can speculate that Rollout might have caused these changes. But other variables might also have caused them.

Changes over time can be caused by any number of factors, singly or in combination. The fact that Rollout may *coincide* with a sharp change does not mean that it *caused* the change, any more than the fact that a thunderstorm occurred on the same day that Rollout began means that the thunderstorm caused a change in police behavior. It does make more sense to assume that Rollout caused a change than to assume the thunderstorm did. But there are other events that coincided with Rollout that are just as plausible as possible causes of any changes we may observe.

Perhaps the major competitor to Rollout for the title of "cause" of any changes is the Eulia Love case, which occurred only a month before Rollout began. Both Rollout and any changes in police or prosecutor behavior may have been simply consequences of the shooting of Mrs. Love and the intense publicity surrounding that case and the reports it generated. Or Rollout may be the sole cause of any change, with the Eulia Love case deserving no credit beyond helping to bring Rollout into being. Without our hypothetical laboratory approach, there is no way to tell which of these options is correct.

Other variables, such as changes in crime rates, unemployment, immigration, or even the weather, may also have helped cause any changes in the impact variables we studied for this evaluation (such as the number of officer-involved shootings each month). Wherever we could, we plotted the trends over time in those other variables to see how they changed in relation to the impact variables. But visual analysis of two trend lines is far from conclusive, and the mathematical techniques for examining the connection between separate trends are still quite primitive. So even while we may provisionally rule out some of these other variables as "rival" hypotheses about what caused the changes in the impact variables, we cannot be certain we are correct.

In short, there is no adequate method of finding out for certain what the impact of Operation Rollout may have been. We can only offer the best evidence we can find and speculate about the possible impact of the program. We can, however, be more certain about the *implementation* of Rollout, for that requires only a concrete description of how the police and prosecutor behaved, and not a risky interpretation about whether Rollout "caused" the system to change.

IV. THE IMPLEMENTATION OF ROLLOUT

This chapter examines the degree to which the five objectives for Operation Rollout (identified in the LEAA grant proposal) were accomplished. The first part of this section considers the most basic aspect of Rollout's implementation: whether LADA received from Rollout participants the degree of cooperation necessary to monitor police investigations at the scenes of the shootings. The second part of this chapter reports the evidence of the various measures of each of the five objectives.

Overall, LADA received all the cooperation it expected from the LASD, the Long Beach Police Department (LBPD), and most of the smaller police agencies. Initially the attitude of the LAPD to Operation Rollout was uncooperative, but there has been greater cooperation in recent months. Further, only two of the five objectives were clearly accomplished in any of the departments. The Rollout program produced more complete DA investigations, which resulted in speedier prosecutorial decisions. The Rollout investigations do not seem to be more independent. The fairness hypothesis could not be tested quantitatively, so we could not determine whether the program was more fair. In the opinion of some members of the community, the Rollout investigations have not been more objective, while others believe that the objectivity has increased.

A. *POLICE COOPERATION*

The cooperation of the police department plays an important part in the DA team's investigation. Each step of the on-scene investigation by the DA team relies in part upon aid from the police investigators. From the time of notification to the interviewing of civilian witnesses, the DA team must rely on police department investigators for information.

It is not clear why, other than because of local tradition, the DA team is so dependent on police cooperation. In other jurisdictions, including New York, the DA's representatives are given carte blanche at any crime scene, and certainly at the scene of any police shooting at which a DDA appears. If not formally in charge, the DA teams are at least treated with deference and accorded cooperation from the police. If Los Angeles County were to adopt that practice, most of the cooperation issues would be moot. But in the context of LADA's deference to police authority as the primary investigators at all crime scenes, the cooperation issues become paramount.

We found a striking contrast between the LAPD and the LASD in their levels of cooperation with the Rollout program. Because these two departments experienced 67 percent of the officer-involved shootings in Los Angeles County during the Rollout years, we give them special attention. Understanding of the lack of cooperation from the LAPD and the full cooperation from the LASD requires a review of how each agency structures its internal investigations of police shootings and how each has approached the Rollout teams. Finally, we compare our findings to the procedures followed in New York and nine other jurisdictions as examples of police and prosecutorial cooperation that have the potential to provide a far greater level of accountability in the review of police shootings than can be found anywhere in Los Angeles County.

B. *LAPD POLICE SHOOTING INVESTIGATIONS*

Within the LAPD, one man heads the Officer-Involved Shooting team (OIS)—Lieutenant Charles Higbie. Lt. Higbie's operating style and philosophy seem to pervade all aspects of the LAPD shooting investigations. Higbie, a member of the LAPD for almost 24 years, has served as head of the department's OIS team since 1973. During those years he has responded to virtually every LAPD officer-involved shooting, with the exception of time spent on vacation and for illness.[11] When an LAPD shooting occurs, Higbie and two assigned homicide investigators roll out to the scene immediately.

At the scene, Lt. Higbie takes complete charge and directs the investigation. He ascertains the circumstances surrounding the shooting, gathers the physical evidence, and identifies and interviews all the civilian and officer witnesses.

Civilian witnesses are rounded up at the scene and usually taken to the nearby police station for interviews. Lt. Higbie and his OIS team tape record civilian interviews individually. Higbie avoids group interviews of civilians because he does not want witnesses to influence each other's recollections. He also claims that it is impossible to determine beforehand who actually witnessed the shootings. In some cases, citizens step forward, claiming to be eyewitnesses when, in fact, they were not. By interviewing each of them, Higbie claims, the OIS team can distinguish the actual parties to the event.[12]

The same criteria, however, did not always apply to police witnesses. Until June 1981, the LAPD had refused to conduct individual interviews of officers, perferring the group interview instead. Before the change, Lt. Higbie conducted two group interviews of police witnesses, only the second of which was tape recorded. With the change in the method of investigation, Lt. Higbie now separates the police witnesses immediately after the shooting and interviews them on an individual basis.[13] Taped interviews, however, are conducted only after the first round of individual interviews.[14]

Before the interviews with the officers, Higbie always informs them that the investigation is strictly for administrative purposes and that the investigation is classified as confidential by Chief Daryl F. Gates. Since the investigation is not criminal in nature, but rather is conducted for any possible subsequent administrative action or defense of a civil lawsuit resulting from the shooting, the involved officer is compelled to speak with Higbie and his officers. The officers are also informed that they are individually directed to comply and cooperate in all phases of the investigation. Higbie explains to them that in the event that they should refuse to cooperate or comply in any phase, they would be subject to disciplinary action and possible dismissal.

After the completion of the on-scene investigation, Higbie and his staff write a *summary report* of the shooting and distribute it to the press and the SID. The *summary* briefly explains the facts of the incident. Higbie's staff then drafts a *final* "chronological narrative" of the entire shooting incident. The *final* report remains confidential, though the LAPD sends a copy to the SID. Three to four months after the incident, the SID receives the final LAPD report. It is important to note that the Use of Force Review Board of the LAPD and the Police Commission base their final judgments concerning shooting incidents on the final report.

C. *PROBLEMS WITH THE LAPD INVESTIGATIONS*

Some of the Rollout program's problems are caused by the investigative methods of the LAPD. LAPD's individual interviews of police witnesses, though a decided improvement over the group interviews, still create problems for the deputy district attorneys. Because the interviews are not tape recorded immediately, questions of credibility persist.

The "chronological narrative" of the LAPD excludes quotations from or copies of individual statements of the involved officers and civilians. In rare instances, brief paragraphs summarize individual civilian testimony at the end of the report, but officer testimony is never quoted and is always paraphrased in the body of the text as part of the narrative.

The major problem SID faced is the refusal of LAPD officers to be interviewed by deputy district attorneys. Since July 1978, the policy of the Police Protective League (PPL) has been to suggest that its members not consent to interviews. George Franscell, the attorney for PPL, has told the officers to exercise their right not to be interviewed, and they have done so. The only recourse for SID is to call for a hearing before the grand jury, which enables the DDA to subpoena the police witnesses. Unfortunately, a grand jury hearing often takes two to three months because of the backlog of cases. To alleviate that problem, we recommend that the DA either apply to the superior court to empanel a special grand jury to hear testimony of police officer witnesses for officer-involved shootings or DA simply place police shooting cases ahead of others for presentation to already empaneled grand juries.

The California Penal Code allows for the empanelment of a special grand jury under Article 4, Section 904.5 (see Appendix E). The district attorney may ask the presiding judge of the superior court to draw and empanel an additional grand jury, if "need" and "good cause" can be shown. The number of controversial shootings by the LAPD and other law enforcement agencies in the county seems to warrant the additional grand jury. Its empanelment, while placing the police witnesses in a special category and, therefore, making them unlike regular civilian witnesses, would nonetheless be an advantage to the victims, the victims' families, the community, and the officers themselves. The prosecutorial decisionmaking process would be speeded up, reliance on police reports would be reduced, and the independent investigation of the SID could be carried out unhindered.

D. *LASD VS. LAPD POLICE SHOOTING INVESTIGATIONS*

In contrast to the LAPD policy of assigning all shooting investigations to one supervisor, the Los Angeles County Sheriff's Department (LASD) delegates the inquiries to four lieutenants in the Robbery—Homicide Division. Lieutenants John Macis, John Brady, Charles Elliot, and Philip Bullington share the duty on a rotating basis. Each lieutenant has 16 sergeants and deputies. Their investigations include all homicides that occur in the LASD jurisdictions as well as the deputy-involved shootings. In addition, smaller police departments, such as Pomona, call on the LASD's investigation teams when an officer-involved shooting occurs.

Unlike the LAPD, the LASD regards all investigations of deputy-involved shootings as *criminal* rather

than *administrative.* This alternate legal label produces fundamental differences in the LASD and the LAPD investigations. The initial investigation at the scene remains the same—the LASD investigators gather the physical evidence, photograph the scene, and identify and interview civilian and deputy witnesses. The LASD conducts individual interviews of the deputies. Most interviews are taped (usually at the investigator's discretion). Most important for accountability purposes, the LASD's final report differs substantially from the LAPD's. Rather than a brief, chronological narrative, the LASD presents its complete file in the form of a "shooting book," an anthology of the investigator's reports, transcripts of police and civilian interviews, a full autopsy report (if necessary), and drawings and photographs of the shooting scene. In addition, the report is usually completed in ten days to two weeks.

Because of the different personalities involved and the different underlying philosophies toward shootings, the relationships between the SID and the two major Los Angeles County police departments have been different from the start. At the outset, the LAPD showed a reluctance to go along with the program, but because of the ruling from the Board of Police Commissioners it was forced to do so. Chief Gates made no public statements denouncing the program.

The Sheriff's Department, unsettled by the publicity from the "good Samaritan" shooting and resentful of intrusion by the DA's office, at first opposed the program vehemently. When District Attorney Van de Kamp announced that an investigator would go to the scene of the shootings, Sheriff Pitchess objected. Pitchess opposed this plan on the grounds that it was impossible for "two objects to occupy the same space simultaneously," and that two investigations could not go on at the same time. The LASD and LADA met and struck an agreement: A deputy district attorney and a district attorney investigator would go to the scene, observe, and be briefed. They would take whatever investigative steps they deemed proper and necessary. The DDA would also be an asset to the Sheriff's Department because he would be available to answer legal questions relevant to the investigation. There was something in the compromise for each agency, and the LASD agreed to support it.[15]

The DA staff seldom has been dissatisfied with the conduct of the LASD investigation team in the field. For the most part, the SID staff has voiced high praise of the Sheriff's Department. In one of the decision letters, for example, DDA J. Michael Byrne expressed his high regard for the LASD cooperation he received:

> On the night of the shooting [in September 1979] lengthy interviews were conducted of all the law enforcement personnel involved. During this processing the Lt. and his staff made every effort to inform the [DA Investigator] and myself of all evidence discovered and allowed us to view the scene and the physical evidence. After Sheriff teams had completed their interviews, they met and shared their information and/or related the events of the shooting. The [DA Investigator] and I were included in this session. The investigators openly discussed and argued the evidence from the perspective of the witnesses they had interviewed. This session greatly assisted me to quickly resolve this case. Further, I was very impressed by the thoroughness of the interviews conducted in this case and the insightful manner in which the investigators discussed the evidence. I greatly appreciate the lieutenant's professional openness of including us in the session and not merely briefing us after it was completed.[16]

In the seven Rollout observations that the field researcher attended with LASD, the cooperation was generally very good. In the seven cases, the notification time averaged 56.7 minutes, with the longest being 146 minutes and the shortest being 25 minutes. The LASD homicide lieutenant briefed the DA team, on average, within 27 minutes of the team's arrival. A walk-through was given in six of the seven cases. The one instance where no walk-through took place was a result of the late notification and the absence of any investigators at the scene. Rather than a walk-through, the lieutenant in charge showed the team a detailed drawing of the location. In all incidents, the investigators gave the DA team detailed summaries of all the statements of the involved deputies. The atmosphere was always cordial.

The cooperation with LAPD has been a series of ups and downs, with little consistency in the attitude of the LAPD investigator at the scene. Part of the problem at the outset might have been the DA team's uncertainty about how to behave at the location of the shooting. Though trained in investigations, the DA team had only a vague sense of what its role would or should be. For the first year and more, there were no guidelines with the LAPD. The team knew that it could not carry out an entirely independent investigation, duplicating step by step the procedures that the police investigators followed; they also knew that they could not just observe the police investigation.

After a year it became evident that cooperation from the LAPD had diminished considerably. Two incidents in early 1980 characterize LAPD's treatment of the DA team at that time.

In an interoffice memorandum in January 1980, a deputy district attorney complained that Lt. Higbie did not cooperate with the DA team's attempts to interview civilian witnesses. The team waited in the lobby of the police station to interview witnesses thinking that Lt.

Higbie had informed the witnesses that the DA team was interested in talking to them. After a two-hour wait in the lobby, the DA team discovered that Higbie had allowed 18 to 20 witnesses to leave through the back door. The key witness to the shooting was an Hispanic woman, an illegal alien who spoke little English. In order to facilitate an interview, the DDA arranged for a Spanish-speaking DAI to speak with her. This witness also was allowed to leave even though the police knew that her residence would be difficult to trace. As a result, the DA team interviewed only two of the possible 23 witnesses.

After another shooting in March, the same type of problem occurred. On this occasion, Higbie released six civilian witnesses without the Rollout team's knowledge. Despite the DA's efforts to trace them, he could find only two of the six witnesses.

In May 1980, a meeting between Deputy District Attorney Gilbert Garcetti and Assistant Police Chief Wes Harvey was supposed to clear up the problems between the LAPD and the Rollout team. The DAs made some gains: one was that Lt. Higbie was to allow the DA team to stand near enough to a shooting scene to get an unobstructed view of the site, something he had not always permitted in the past.

But by October 1980, complaints began to filter back to Garcetti once again. This time, a meeting between District Attorney John Van de Kamp and Chief Daryl Gates, with Police Commissioner Sam Williams serving as an intermediary, produced an agreement to establish guidelines comparable to those LADA had with LASD. On November 22, 1980, that agreement was signed and put into effect (see Appendix B).

The guidelines seem to have improved the level of cooperation, but that cooperation is still inconsistent. The field researcher observed ten rollouts with the LAPD during the study. Of the ten rollouts, nine occurred after the agreement was signed. Of those nine, two demonstrated the uncooperative nature of the LAPD OIS teams. In the other seven instances, cooperation was professional.

Overall, the LAPD proved efficient in notification time and in briefing time. On average, the SID command post was notified of LAPD officer-involved shootings 52.7 minutes after the occurrence, four minutes faster than the LASD.[17]

After the DA team arrived at the scene, the LAPD investigator briefed the DDA and DA within 18.3 minutes, almost nine minutes faster than the LASD. In other areas, however, the LAPD fell short in following the guidelines. Walk-throughs were not given in three of the ten cases and civilian witnesses were not made available in three of seven incidents where civilians had seen or had claimed to have seen the shooting.

E. *LAPD COOPERATION: TWO EXTREME EXAMPLES*

Two of the field researcher's Rollout observations exemplify the best and worst elements of treatment and cooperation. In addition, the two incidents demonstrate how the accomplishment of the goals of "independence and fullness" of the investigations by the DA team depends heavily on the cooperation of the LAPD.

The best qualities of cooperation and DA independence involved a shooting that occurred in November 1980. Notification of the shooting took only 49 minutes and the DA team arrived 25 minutes after being notified. Lt. Higbie quickly apprised the team of the situation: He explained that an LAPD officer had fatally shot a mentally unstable man after a two-hour effort to commit him civilly to an institution. According to the police witnesses, the man had thrown a clothes iron and a typewriter at the police before the shooting. He was also seen with a wooden stick and an aluminum vacuum cleaner pipe in his hands.

The police officers at the scene had attempted to take the man into custody by using means other than deadly force at the outset of the incident. Two police sergeants, trained in the use of Taser guns,[18] attempted to bring the man down. The sergeants fired four Taser cassettes, eight darts in all, six of which hit the victim. The sergeants reported that the first two cassettes had little or no effect, as the victim plucked the darts out of his chest. The second pair of cassettes, fired about 20 minutes after the first set, apparently had some effect because the victim staggered, but the police still could not subdue him. The police then tried liquid tear gas, which they sprayed several times point blank into the man's face. After being sprayed, the victim ran to the bathroom to rinse the gas. In the bathroom, he was again sprayed by a police sergeant who reached into the broken bathroom window to do so. At that point the victim hit the sergeant with an aluminum vacuum cleaner pipe. The victim staggered out of the bathroom, stumbled into the adjoining bedroom and grabbed a portable typewriter. As he began to throw it at the four LAPD officers, one of them moved backward, tripped on the living room table, and, while lying on his back, drew his gun and fired. The bullet hit the victim in the chest, killing him.

The DA team and Lt. Higbie realized at the outset that the case would create controversy. The neighborhood, a predominantly Chicano community, was very upset. Many of the people knew the victim personally and insisted that the shooting was unnecessary. Because of the tension in the area, the quick arrival of the media, and the nature of the shooting, the DA team and Lt. Higbie worked together on the investigation throughout the afternoon.

As part of the investigation, Lt. Higbie conducted a walk-through of the premises. The odor of liquid tear gas permeated the bungalow-type house three hours after the shooting. The front glass door was broken as a result of the thrown clothes iron. The typewriter remained in its original position on the floor. Lt. Higbie pointed out the position of the various actors in the scenario as he explained the details of the shooting.

During the afternoon, the DA team rounded up civilian witnesses and interviewed them individually. The DDA in charge at the scene had called the SID command post, notified Deputy District Attorney Garcetti of the nature of the shooting and requested more investigators to help with the interviews. Three investigators interviewed seven civilians that day. Because the witnesses refused to be tape-recorded, the questioning took longer than usual. By early evening, the on-scene investigation was complete and the Rollout team proceeded to the LAPD Hollenbeck station to await more information from Lt. Higbie. In a reversal of past policy (according to the deputy district attorney), Higbie voluntarily gave the DA team photocopied statements of the civilian witnesses. In addition, he gave the names of all officers and sergeants involved in the affair.

On the following day, a Los Angeles County coroner performed an autopsy on the victim. As part of the Rollout team's investigation, the DAI, along with a police investigator and the field researcher, watched the medical examiner perform the standard autopsy. The coroner determined the cause of death to be a wound to the chest.

Five days after the shooting, the DA team conducted a comprehensive reenactment of the incident. Equipped with videotape gear, measuring tapes, note pads, and cameras, the DDA and the DAI recreated the shooting. The DA team rounded up most of the civilian witnesses who testified on the day of the shooting and placed them in their respective positions. The DDA assessed the accuracy of their earlier statements based on the positioning and clarity of vision.

The only major problem that the SID encountered with the LAPD on this shooting was the officers' refusal to be interviewed. The DDA was forced to go to the grand jury to obtain police testimony about the shooting.[19]

A shooting two months later, in January 1981, defined the limits of LAPD cooperation with Rollout. Two LAPD officers involved in an undercover drug bust shot and killed a suspected drug dealer in the Foothill section of Los Angeles County.

At the scene, television camera crews and reporters busily interviewed civilian witnesses and attempted to ascertain the sequence of events. Their presence was prompted by the news that Rollout might be discontinued. Earlier in the week, the Los Angeles County Board of Supervisors had indicated that they might vote against its renewal.

The LAPD notified the SID command post within 20 minutes of the shooting. Because of the distance the deputy district attorney had to travel, one and a half hours passed before the Rollout team arrived. The TV cameras rolled as the DDA and DAI approached the scene. The cameras followed the Rollout team throughout the night.

Lt. Higbie, aware of the presence of the media and the tenuous footing of the Rollout program, treated the DA team with disdain. When the DA team first approached him, Higbie told them to stand about 100 feet from the victim's body, where observation of the police investigation was difficult. At that time, the DDA and the DAI believed that Higbie wanted to embarrass them in front of the media. While they stood watching from afar, the coroner appeared and began his investigation. Seeing this, the deputy district attorney and the district attorney investigator told a police officer (who was "guarding" the team) to ask Higbie to allow them to view the coroner's examination. The officer did so and returned shortly thereafter saying Higbie would call them when he was ready. About two minutes later the lieutenant waved to the Rollout team and, in a loud voice, said, "Okay, sweethearts, come on over."

The situation did not improve during the briefing. Lt. Higbie was abrupt in his remarks, volunteering no information and remaining aloof. He gave them no walk-through.

The DA team decided to forego a final briefing, called Garcetti to tell him of the treatment Higbie had given them, and went to the Foothill station to interview witnesses. Higbie had told the team that "numerous" witnesses would be available, so they waited in the police station lobby to interview them. Two hours passed before the team could conduct interviews. During that time the police allowed two witnesses to leave surreptitiously. Six witnesses remained at the station, four of whom replied favorably to the request for interviews. The four witnesses, junior high school students, substantiated the police story.

Two days later, another Rollout with the LAPD occurred. True to the inconsistent treatment from Lt. Higbie in the past, the DA team received a cordial greeting this time around. Later, it was discovered that through Garcetti's efforts, Lt. Higbie had agreed to comply with the guidelines set forth by Chief Gates and DA Van de Kamp regarding "professional cooperation."

F. *POLICE SHOOTING INVESTIGATIONS IN LOS ANGELES AND NEW YORK: A COMPARISON*

The treatment of the LADA teams under Rollout is very different from the treatment police give to DAs in New York City in comparable circumstances. Investigation of shootings involving NYPD officers commences when the officer involved notifies his or her supervisor of patrol (a sergeant) that a shooting has occurred. The radio dispatcher usually hears of the shooting at the same time. The dispatcher notifies the department's operations center, which contacts the officer of the patrol borough concerned.

While all this is going on, it is the patrol sergeant's job to let the dispatcher (and thus the operations center) know what has happened (e.g., "officer shot robber; robber to hospital with one apparent wound; no other injuries"). The sergeant also begins a preliminary investigation, attempting to identify and interview witnesses.

The investigation is the formal responsibility of a duty captain. Duty captains are patrol captains (and deputy inspectors) who are charged with responsibility for responding to and investigating all "unusual occurrences" within a given geographic area during their working hours. Duty captains work on a rotating basis and come from the ranks of the patrol captains and deputy inspectors assigned to a borough. If the commander of the precinct in which a shooting occurs is on duty at the time, he or she assumes responsibility for the investigation. If that commander is not on duty, the duty captain is in charge.

Duty captains are not criminal investigators, although many have performed as detectives during the course of their careers. Neither are they ballistics experts. They are there to interview, coordinate, and supervise. They have access to all the specialized expertise they need with a phone call, but experience suggests that ballistics and other technical skills rarely resolve shooting cases. The issues are usually resolved by interviews and statements of witnesses.

Duty captains survey the scene, attempt to locate and interview witnesses, supervise photographers and artists, and conduct formal interviews at the police station. By the time they do that, they have some idea of the likelihood that criminal charges will be filed against officers. They notify (by phone) the office of the DA involved (New York City has five, one in each borough). They relate their preliminary findings to the Assistant District Attorney (ADA) on duty, and invite him or her to the scene. Often the ADA declines and requests a formal written report, which is standard. On the other hand, if it appears that criminal charges will be filed, the ADA shows up, gives the officers the Miranda warnings, and conducts interviews. Although the ADA on-scene investigations are rare, when they do occur there is no question that the ADA is in complete control of the shooting scene. The ADA therefore conducts interviews with civilian and police witnesses. There is no need to go to the grand jury for such testimony, although officers may refuse to give answers in accordance with their Fifth Amendment rights.

The captain then interviews the officers involved. There is no fixed format for this procedure (for example, alone vs. groups). Officers are entitled to have representation by a union delegate at these interviews. Department policy requires officers to answer all the investigator's questions. Miranda requirements are waived during the interview because the results are for administrative purposes only, not criminal proceedings. The investigator informs the officer that failure to answer fully is a violation that earns immediate suspension without pay.

During this process, the duty captain keeps the operations office informed by phone. When the investigation is complete, the duty captain files a written report, which is required within 24 hours of the shooting. This written report outlines all the facts as the captain knows them, details all the steps taken, and explains their results. The captain arrives at a tentative conclusion regarding the shooting incident, determines whether the officer's shooting was justified, and recommends whether the officer needs retraining, should be arrested, should be disciplined, or should be sent to a psychiatrist. The duty captain also decides whether a "temporary transfer to a non-operational unit" is appropriate. This is an important characteristic of NYPD shooting investigations: The captain must put himself on the line by interpreting the results of the investigation. That is not the case in the LAPD, where the OIS team serves solely as a fact-finding group.

The duty captain's report goes directly to all personnel higher up in the chain of command: the chief of patrol, the chief of operations, the police commissioner, and the officer's commander. At this point, the precinct commander takes charge, and must complete the investigation within 72 hours, answering any omissions in the duty captain's report, explaining any remaining unanswered questions, and drawing conclusions as to the justifiability of the shooting and other issues. The precinct commander sends the report to the same people who received the duty captain's earlier report.

The review of shootings takes place at two levels—the borough level and the citywide level. The borough commander involved convenes a *borough* "firearms discharge review board," which reviews every firearm discharge occurring within its jurisdiction. The members of this board are the borough commander (a two-star assistant chief), a captain or above who works in the borough (but not in the command of the officer in-

volved), the borough personnel officer (usually a lieutenant), and an officer of the same rank as the shooter from the borough but not from the same command as the shooter. The borough board reviews the case file of the shooting incident, votes on action to be taken, and sends a formal report to the chief of patrol, the chief of operations, and the chief who commands the officer's unit.

The chief of operations is the department's highest ranking sworn officer. That office maintains an Investigation Review Section, one of whose jobs is to compile information on shootings for the department's Firearms Discharge Review Board (FDRB). This staff assembles comprehensive folders on cases (i.e., all records of the incident; all personnel records concerned; and the findings of duty captains, precinct commanders, and the borough review boards). Each member of the FDRB receives a copy of the file, makes comments, and arrives at a tentative conclusion. The board then meets to discuss the case before taking a final vote.

The members of the FDRB are the chief of operations (chairperson), chief of patrol, chief of personnel, deputy commissioner on legal matters, deputy commissioner on community affairs, and the commanding officer of the Firearms Training Unit.

At the FDRB meetings, the lieutenant who supervises the Investigation Review Section summarizes each case. The board discusses the case, the findings of investigators, and the findings of the borough review board, and votes on the case. The board can vote that:

- The shooting was justified.
- The shooting was justified, but indicates a need for retraining in law or tactics or both.
- The shooting deserves disciplinary action.
- The officer should be arrested, if this has not already occurred (in these cases, internal administrative adjudications are postponed until dispositions in court).
- The officer should see a psychiatrist or should enter the Alcoholics Anonymous program, if he or she has not already done so.
- The officer should be offered the opportunity to transfer to a less demanding assignment, or should be "flopped" out of a sensitive and/or desirable assignment (the latter usually occurring in connection with discipline).

Disciplinary action usually consists of recommendations for command discipline, administered by the officer's commander, which cannot involve more than a five-day loss of pay. More serious violations result in full, formal departmental trials, which can result in longer suspensions, large fines, and dismissal.

Everyone involved in this system knows that thorough investigations and impartial reporting of the facts are necessary if one is to have any future in the department. Captains have lost commands because of sloppy investigations, and, thus, the opportunity for further advancement. The borough commander of Manhattan North (all of Manhattan above 59th Street) recently left the department, reportedly the result of a squabble over a shooting investigation. This was not insignificant, because he was a well-thought-of two-star assistant chief with about 35 years of experience. The FDRB has on occasion also reprimanded borough boards for using poor judgment in their dispositions of shooting cases, a phenomenon that has just about ceased over the last few years. The borough boards have apparently become more sensitive to the kind of adjudication criteria employed by FDRB—so much so, in fact, that the suggestion has been made (by FDRB members) that they are a "redundant rubber stamp, which should be abolished." This suggestion has been overriden by others who cite the importance of top level review of shootings and shooting investigations.

The accountability that is missing from the LAPD procedure becomes much clearer when it is compared to the NYPD. The NYPD officer knows that *everyone* in the chain of command will review his or her actions. The sergeant, the duty captain, the precinct commander, the borough review board all know the same thing.

The accountability extends to the district attorneys, who routinely gain access to everything in the department's files, not just summaries. And just as routinely, the officer knows that the DA presents every shooting resulting in a death or injury to the grand jury for consideration. The number of checks and balances on the review of shootings in New York, even without a Rollout program, clearly exceeds those in Los Angeles County.

G. *COMPARISONS WITH OTHER JURISDICTIONS*

We looked at police-prosecutor procedures for officer-involved shootings in nine other jurisdictions as well. Through telephone interviews with staff members of the offices of the district attorneys in the nine largest cities in the nation, after New York and Los Angeles, we determined how those agencies handled shooting investigations. Though the interviews were brief and informal, we gathered enough information to make some generalizations.

Specifically, we contacted the district attorneys' offices in Baltimore, Chicago (Cook County), Dallas County, Detroit (Wayne County), Houston, Philadelphia, Phoenix (Maricopa County), San Diego, and San Antonio. Of the nine jurisdictions we contacted by telephone, only the police departments in Dallas County

are *not* required to notify the DA of an officer-involved shooting. Of the eight other areas, four district attorneys' offices have programs and procedures similar to Operation Rollout (Baltimore, Philadelphia, Phoenix, and Houston), two have less restrictive procedures (Chicago and Detroit), and two are merely informed that a shooting has occurred (San Diego and San Antonio).

The DAs' offices in Baltimore, Philadelphia, Phoenix, and Houston have special divisions to deal with police shootings. Once a shooting occurs in these jurisdictions, the police department notifies the DA either from the scene of the shooting or from headquarters immediately after. The DA may or may not go to the scene of the shooting. In all four jurisdictions, the district attorney or an assistant has access to all witnesses and evidence. In these four jurisdictions, the police are in control of the on-scene investigation, but they will follow procedures outlined by the district attorney. From the interviews with the representatives of these offices, it appears that cooperation is not a problem. The district attorneys are not kept waiting behind police lines, and the police comply with many of the DA's requests. This is particularly true in Houston, where the Civil Rights Division (CRD) of the DA's office handles police shootings. At the scene, the CRD is not in charge of the investigation, but advises the police agency of the witnesses and evidence it wants secured and what procedure to follow. Furthermore, once the CRD report is final it is dispatched to the grand jury for consideration.

In Chicago (Cook County) and Detroit (Wayne County) notification of shootings is not immediately required. There are no set procedures for notification or investigations for the Cook County state attorney. When notification does occur, the attorney may go to the scene if necessary.

In San Diego and San Antonio the district attorneys are notified of shootings only after the police have completed their own investigations and reports. A deputy district attorney, who looks for chargeable offenses, usually reviews the police reports.

Table 3 summarizes the similarities and differences among the prosecutorial procedures for officer-involved shootings in the eleven largest cities in the country.

Overall our findings show that the Rollout idea is not unique in Los Angeles County. Other jurisdictions carry out similar investigations of officer-involved shootings, but without the problems of cooperation faced by the LADA. The police agencies within each jurisdiction are in control of the on-scene investigations but readily comply with the DA's requests for witnesses and evidence. What is unique in Los Angeles, apparently, is the power of the police to bar the prosecutor from observing their conduct of an investigation.

TABLE 3 POLICE-PROSECUTOR PROCEDURES FOR OFFICER-INVOLVED SHOOTINGS, BY JURISDICTION

	Los Angeles	New York	Baltimore	Philadelphia	Phoenix	Houston	Chicago	Detroit	San Diego	Dallas	San Antonio
DA Notified?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes (Any death)	Yes	No	Yes
DA Go To The Scene?	Always	Optional	Optional	Optional	Generally	Generally	Optional	Not Avail.	No	No	No
If DA Does Not Go To Scene, Does DA Advise By Phone?	Not Appl.	Yes	Yes	Yes	Not Appl.	Not Appl.	Not Avail.	Not Avail.	Not Appl.	Not Appl.	Not Appl.
DA Have Access To Witnesses?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not Appl.	Not Appl.	Not Appl.
DA Have Access To Evidence?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not Appl.	Not Appl.	Not Appl.
Special Unit In DA's Office For Shootings?	*Yes* Spec. Invest. Div.	No	*Yes* Violent Crime Liaison	*Yes* Police Miscond. Unit	*Yes* Major Felony Unit	*Yes* Civil Rights Div.	*Yes* Off. Misc. Unit	Not Avail.	No	No	No
Can DA Control On-Scene Investigation?	No	Yes	No	No	No	No	Yes	Not Avail.	Not Appl.	Not Appl.	Not Appl.

H. *THE IMPLEMENTATION OBJECTIVES*

Fullness

These are our findings for Hypothesis 1, which stated that: *LADA will conduct fuller investigations of officer-involved shootings under Operation Rollout than under earlier procedures.* In general, the hypothesis was confirmed.

We measured the "fullness" of an investigation on the basis of what the DAs did at the on-scene inquiry and in the subsequent follow-up.

Viewing the scene immediately after the shooting event in itself would logically constitute a fuller investigation. The impressions gained from assessing the atmosphere of the scene, interviewing witnesses, receiving fresh information from police investigators, and determining the shooting victim's actions before the incident all give the deputy district attorney more information for making a decision. But this information varies in quantity and quality along several dimensions, on which we could compare the investigations two years before and two years after Rollout.

At the scene. Perhaps the most important aspect of the Rollout experience is to receive a briefing of the incident and a walk-through of the location. In all of the rollouts, the police investigators briefed the DA team either at the scene or, if no police were present at the scene, at the police station. A walk-through was given in 78 percent of the incidents (132 of 169).

Once the deputy district attorney knows the facts of the situation, it is his or her decision to conduct a more complete investigation. At the scene, it is up to the DDA's discretion to interview civilian or police witnesses.

Statistically, the DA team interviewed *civilian* witnesses in 48 percent of the rollouts. This figure represents the number of times the DA team interviewed witnesses (53 of 111) divided by the number of opportunities the DA team had to interview them. That is, the cases where there were no witnesses and where the police agencies did not make them available were excluded from the base number.

Interviewing police witnesses is a different story. In only 14 of the 188 rollouts were the police witnesses still at the scene and made available to the DA team. Of those 14 opportunities, six resulted in interviews (42 percent), all of which involved the Sheriff's Department. This is consistent with the LAPD Police Protective League policy not to allow interviews of their officers and with the internal policy of the SID.

The DDAs take a passive role in attempting to interview the shooting officers and officer witnesses. The internal policy of the SID on interviewing the police depends on the willingness of the involved officer (the shooter) to be questioned. The policy reads: "DDAs and investigators are encouraged to interview any involved officer who is willing to speak with us and where we are not subject to a charge of taking unfair advantage of anyone. The officer should be advised of his Fifth Amendment rights only if the situation warrants it."[20] The same policy holds for the officer witnesses (the nonshooters), with the exception that the Fifth Amendment rights need not be read.

The major flaw here is the assumption that the officer, either the shooter or the nonshooter, wants to or is willing to speak with the DA team. The Police Protective League's policy is to urge its members (LAPD officers) to avoid the interviews, and in other departments, police witnesses do not willingly step forward. Moreover, the Operation Rollout observations found that the DA team did not ask to interview the police in 18 of 20 rollouts.

We suggest that the SID reverse its passive policy and take a more active role in pressing for interviews with the police officers.

In 11 percent of the rollouts (21 of 188), the DA team did not receive the names of the officers while at the scene. The names and addresses of civilian witnesses were withheld from the DA team in 25 percent of the incidents. Without that information the DA could not conduct further interviews immediately, thereby limiting the scope of the on-scene investigations. Though the police agency practice of withholding information (most notably LAPD) has almost stopped in recent months, it remains a potential problem.

Follow-up. The SID's follow-up investigation ideally consists of interviewing more witnesses, attending autopsies, conducting reenactments, reading police reports, and then writing the decision letter or report based on the information.

We expected to find an increase in the percentage of police witnesses interviewed. But contrary to the hypothesis of "fullness," the deputy district attorneys asked to interview the police shooters *less* often under Rollout procedures than before. In the pre-Rollout cases, the SID asked to interview the shooters in 18.7 percent of the cases; under Rollout, that figure decreased to 7.8 percent. The reason for the decline might be attributable to the knowledge that a request would be futile, given the no-interview policy of the LAPD. Yet, a slight (nonsignificant) increase was seen in SID's requests to interview *nonshooters* (Table 4). Before Rollout began, the DA asked to interview nonshooters in 10.9 percent of the cases, and after Rollout, the request was made in 13.4 percent of the incidents. Table 4 shows where those requests were made. Of the 18 requests for interviews with nonshooters, 7 were made with the LAPD and 11 with the LASD. Of the 7 requests to the LAPD, 6 were rejected, but with the LASD only 1 of 11 was turned down.

TABLE 4 DISTRICT ATTORNEY REQUESTS TO INTERVIEW NONSHOOTERS

Period	Percentage of Requests (#) LAPD, LASD, LBPD	Percentage of No Requests(#) LAPD, LASD, LBPD	TOTALS	Percentage of Requests Granted (#) LAPD	Percentage of Requests Not Granted (#) LAPD	TOTALS	Percentage Granted (#) LASD	Percentage Not Granted (#) LASD	TOTALS
Pre-Rollout	10.9 (20)	89.1 (164)	100.0 (184)	81.2 (9)	18.9 (2)	99.4 (11)	100.0 (4)	0 (0)	100.0 (4)
Rollout	13.4 (18)	86.6 (116)	100.0 (134)	14.3 (1)	85.7 (6)	100.0 (7)	90.9 (10)	9.1 (1)	100.0 (11)

It appears that by making a decision *not* to request interviews, the DDAs were being more realistic in their appraisal of the situation. The fact that the LAPD became less likely to grant interviews after Rollout than before suggests that Rollout may, in at least this respect, have made investigations less full because of poorer police cooperation.

A reenactment of the shooting incident also adds to the fullness of an investigation. A recreation enables the deputy district attorney to determine the accuracy of civilian witness testimony and to obtain a picture of the sequence of events. During the pre-Rollout years, 3.3 percent of the shootings were reenacted, while during Rollout the figure increased to 10.3 percent. (Table 5)

TABLE 5 PERCENTAGE OF CASES IN WHICH DISTRICT ATTORNEY CONDUCTS REENACTMENT (LAPD, LASD, LBPD)

Period	Yes	No	Totals
Pre-Rollout	3.3% (7)	96.7% (204)	211
Rollout	10.3 (16)	89.7 (140)	156

A final measure of fullness is the frequency with which the DDAs went to the grand jury. We asked: Did the DA go to the grand jury if the request to interview nonshooters was denied by the police agency? This measure also showed an increase, from 50 percent of the cases in which interviews were denied before Rollout to 71 percent of the cases in which interviews were denied during Rollout. To the extent that this figure represents a decline in police cooperation that forced the DDAs to use the grand jury more often just to interview the officers, this measure is hard to interpret. Moreover, it is not clear that this increase was due to Rollout rather than to the general post-Eulia Love climate of sensitivity. To the extent that any presentation to a grand jury provides one more step in the review process, however, this measure shows a clear increase in fullness.

Fairness

These are our findings for Hypothesis 2, which stated that: *LADA conducted fairer investigations under Operation Rollout than under earlier procedures.*

The general concept of fairness and the specific definition of fairness supplied by the Special Investigations Division could not be measured objectively. The general notion of fairness implies "an elimination of personal feelings, interests, or prejudices so as to achieve a proper balance of conflicting needs, rights, or demands."[21] The specific application of fairness to the Rollout program is the "degree with which the SID investigations treated the victims, the victims' families, the community, and the police with equality."[22]

The particular goal of fairness is laudable on its face and should remain an integral part of the program. But its subjectivity presented problems for hypothesis testing.

To test adequately whether the DA's office was fairer to the victim and other involved persons during Rollout than before would have required a subjective review of the case files by the researcher. Such a procedure would have created serious methodological problems.

A better method would have been to assemble a national panel of experts to review the SID decision letters and assemble a national panel of experts to review the SID decision letters and the investigations. The experts would then make a determination based on their own judgment whether "fair" decisions were made. But resource limitations clearly precluded that approach.

Objectivity

These are our findings for Hypothesis 3, which stated that: *LADA conducted more objective investigations under Operation Rollout than under earlier procedures.*

Because objectivity could not be measured, we relied upon interviews and newspaper accounts to test this hypothesis.

Members of the community raised two points about the objectivity of the program. The first is the SID's close ties with the police agencies. The reliance upon the police for investigative information prevents, in their view, an objective fact-finding operation. Michael Zinzun of the Coalition Against Police Abuse says that, by obtaining already biased information from police departments, the DA team perpetuates the biases and cannot be objective. The second point concerns the law enforcement background of DA investigators. In the SID all of the DAIs except one have experience as police officers. All carry badges and guns, and all have law enforcement status. By virtue of this link to the police, Zinzun reasons that DAIs cannot be objective in their investigation of officer-involved shootings. In a meeting with DDA Garcetti, Linda Ferguson, of the National Alliance Against Racism and Political Repression in Los Angeles, voiced a similar argument. She and Zinzun both suggest that a civilian police review board would solve this "bias" problem.

Ironically, the LAPD questions the expertise of the DAIs. Lt. Higbie, in particular, finds it hard to accept the DAIs at the scenes of shootings. In an interview with Professor James J. Fyfe, Higbie said that he cannot tolerate the review of his operations by investigators whose qualifications are questionable.[23] In addition to Higbie's statements there is a firm belief within the LAPD that the SID is "out to get cops," and thus, cannot be objective. Though the attitude has diminished in recent months, the notion lingers on. A *Los Angeles Times* article in October 1980 said that members of the LAPD characterized the SID as a group of "headhunters," and reports in a recent *Police Magazine* article reaffirmed that sentiment.[24]

Independence

These are our findings for Hypothesis 4, which stated that: *LADA conducted more independent investigations of officer-involved shootings under Operation Rollout than under earlier procedures.*

Ideally, a completely independent investigation by the SID entails an entirely separate replication of all the steps taken by police investigators. By this criterion, the Rollout investigations are far from independent. Though the police agencies and the DA's office have the goal of ascertaining the circumstances surrounding the shooting incident, most of the information that the DA team gathers *at the scene* is taken strictly from the police investigators. The initial briefing, the follow-up briefing, the walk-through, and the citizen and police witness testimony are all brought forth by the police investigator. These arrangements are necessitated by the nature of the DA-police department relationships. In all on-scene shooting incidents the DA team awaits police information as set forth in the guidelines (see Appendixes A and B).

At the scene the DA team conducts independent interviews of witnesses and views the shooting location. As we have seen under the "fullness" hypothesis, the DA team interviewed witnesses in 48 percent of the rollouts where the witnesses were made available to them. (This figure eliminates the incidents where no civilians witnessed the shooting.) A walk-through of the shooting scene enables the DA team to obtain an accurate picture of the sequence of events. The position of vehicles, actors, evidence, and lighting conditions are important factors in the DDA's determination of fact. Thus, by obtaining a walk-through from the police, the DA team could assess the situation and determine whether problems exist in the shooting.

The attendance of an investigator at the autopsy also helps to make the investigations more independent. In the two years before Rollout, no member of the DA team attended any autopsies. Even though 97 deaths occurred because of the shootings, in most instances the DA team was never informed of the shootings, nor were they informed that an autopsy would take place. Rather, it was necessary for them to rely on the coroner's report which they received after two months' time. During Rollout, as part of the district attorney investigators' tasks, attendance at autopsies became a common procedure. A member of the DA team attended 52 percent of the autopsies performed by the coroner.

The best quantitative measure of independence was whether the deputy district attorney had reviewed the police report before making a decision. By making the decision *before* receiving the police report the DDA was clearly demonstrating an independent determination of fact and confidence in the investigation. Before Operation Rollout began, only 3.3 percent of the DA's decisions were made without having the police report available for the decisionmaking process. After Rollout began, however, that figure jumped to 28.1 percent.

Two other measures suggest no increase in the independence of DA investigations under Rollout. One is the lack of any change in the frequency with which the DDAs detect inconsistencies in the various versions of the events recounted by the different police officers present. The lack of any change reflects reliance on the police reports for police witness testimony. In the

shooting reports of the LAPD, individual statements are never given; therefore, inconsistencies would not be found. The other is the lack of any change in the frequency with which the DDAs locate and interview witnesses whom the police investigators did not interview. In a number of controversial cases before Rollout, the SID canvassed the neighborhoods of shooting incidents for civilian witnesses, but that practice did not change significantly during the Rollout years.

In summary, two quantitative measures suggest more independence; two suggest no change. But for this goal, the observational evidence should outweigh the case file data. Given the current structure of total police control over shooting scenes, it is impossible to characterize the LADA police shooting investigations before or after Rollout as more independent.

Timeliness

These are our findings for Hypothesis 5, which stated that: *LADA reached resolutions of prosecutorial decisions on police shootings more quickly under Operation Rollout than under earlier procedures.*

The much criticized delays in police shooting cases before Rollout had two components—1) the delay in forwarding the police investigation reports to the prosecutor for review, and 2) the delay in the prosecutor's review of the case and subsequent decision whether to prosecute.

Data were collected to determine whether any changes occurred in the timeliness of the DA's decision. We compared mean length of time before and during Rollout in three ways: 1) shooting date to prosecutorial decision; 2) shooting date to police report; and 3) police report to prosecutorial decision. The findings showed that, in the two years before Rollout, an average of 264.7 days elapsed between the date of shooting to a decision letter. Under Rollout procedures, 119.2 days was the average, a decrease of more than four months. The SID received the police report an average of 93 days after the shooting incident in the period before Rollout. That was shortened to 85 days during Rollout. Once the SID received the police report, during the pre-Rollout stage, another 172 days passed before a decision was made. After Rollout began, the process decreased to an average of 34 days.

From these data the Rollout program appears to have helped increase the timeliness of the decisionmaking process. A counterhypothesis suggests, however, that the speediness of the decisions is not attributable to Rollout at all; that it is simply a matter of the DDAs doing their jobs more quickly because of public pressure. But the two concepts are not mutually exclusive. Most of the deputy district attorneys in SID were recruited specifically to deal with Rollout cases—only two holdovers remain from the previous SID administration. Their association with Rollout is direct because they were hand-selected to investigate officer-involved shootings and because they knew that the press, the public, and the district attorney would hold them accountable for their investigations.

Despite a marked increase in the speed of the decisions, the deputy district attorneys themselves remain critical of the slowness of the decisions. But they defend themselves by citing examples of problems that delay the decision. The lengthiest delays, they claim, are caused by the unwillingness of the police officers to submit to SID interviews. The process of a grand jury hearing to obtain testimony from the officers may take months; often it is the only recourse because of LAPD's recalcitrance. The statements of nonshooting officers often are crucial to the case. Their resistance to interviews creates a tremendous gap in the DDA's evidentiary arsenal. To remedy that problem we recommend that a special grand jury be empaneled or that the DA give priority to police shooting cases for presentation to the grand jury.

Other delays occur when cases are shifted from one DDA to another and from one DAI to another. In addition, in 72 percent of the cases, the deputy district attorney involved has awaited the police report.

In summary, the quantitative findings show that Rollout has made the SID decisions more timely. Though complaints of slowness still filter through, the decrease in total decision time from 265 days to 119 days is remarkable.

V. THE IMPACT OF ROLLOUT

This chapter examines the possible effects Rollout may have had on the criminal justice system and the public in Los Angeles. Our method is to look for changes or differences in the various measures between the two-year period before Rollout and the first years of its operation. We did find changes, but cannot determine with certainty whether these are attributable to Rollout alone, to some combination of Rollout and other concurrent events in Los Angeles, or to other events not related to Rollout.

In general, our findings are these:

H_6: Rollout had no impact on the rate of prosecution of police for improper shootings.

H_7: Rollout had a slight impact on improving the public visibility of prosecutorial decision making about police shooting cases.

H_8: Rollout's impact on public perceptions of the fairness of prosecutorial investigations could not be measured in an unbiased, systematic way.

H_9 and H_{10}: Both the frequency of officer-involved shootings and the proportions of shootings that are "elective" have dropped substantially since Rollout began, but it is impossible to say how much of the change was a result of Rollout.

H_{11}: Police injuries in the officer-involved shootings reported to the district attorney have been virtually unchanged in seriousness and rate per incident since Rollout began.

H_{12}: Rollout seems to have had little impact on police disciplinary *procedures,* but most police agencies refused to provide us with information about the *rate* at which officers were disciplined for improper shootings, if any, before and during Rollout.

A. *ON PROSECUTIONS OF POLICE*

These are our findings for Hypothesis 6, which stated that: *LADA prosecuted more cases of unjustified use of weapons under Operation Rollout than under earlier procedures.*

The decision whether to initiate criminal proceedings against an officer is the ultimate result of each rollout. In the past four years, six officer-involved shootings have resulted in the prosecution of nine law enforcement officers. In the two years before Rollout, five cases were prosecuted and charges were filed against eight officers in four different Los Angeles County police departments—two cases in the LASD, one case in the Downey Police Department, one in the West Covina Police Department, and one in the LAPD. Only one prosecution has taken place since Rollout began. In that case, an off-duty LAPD officer, who had attempted to use stolen credit cards, fired his revolver at Hawthorne Police Department officers.

The two LASD prosecutions occurred in 1977. The first incident took place on June 14 when two LASD deputies shot and wounded a suspect trying to escape from a Los Angeles County Jail. The Deputy District Attorney recommended filing misdemeanor charges against the two deputies, but by the time the decision to file had been made, in October 1978, the one-year time period for filing had passed and the prosecution had to be dropped. The second prosecution stemmed from a shooting on October 21, 1977. Deputy Sheriff Lee Gayle Smith was on duty, in uniform, directing traffic, when he fired at a small pick-up (an "El Camino") with a camper shell attached to the back. The deputy fired four shots rapid fire at the vehicle after the driver refused to stop on command and sped off. Though the driver and the passenger in the front cab were not hit, a passenger in the camper section, Bart Zoll, was hit twice. Deputy Smith was charged with assault with a deadly weapon and with firing at an occupied vehicle. Deputy District Attorney Wilbert Owens, who tried the case, was convinced that Smith had no authorization to use deadly force because the deputy did not reasonably believe that he was the victim of an assault with a deadly weapon (the vehicle). Furthermore, even if Smith reasonably believed himself to be a victim of assault with a deadly weapon, Owens argued that the law does not authorize the use of deadly force where it would endanger the lives of innocent people.

At the time that Smith fired, the following conditions existed.

> He fired four rounds rapidly without aiming, at night, at a vehicle he knew contained a passenger not involved in the alleged crime. That vehicle was moving away from him on a street crowded with hundreds of pedestrians on both sides of the street. His line of fire was down the middle of the road, parallel to traffic initially, then perpendicular to the traffic because of a sharp turn in the road. A large residential area was in the background.[25]

The case was heard by the court without a jury because Smith waived his right to a jury. After hearing testimony for two weeks the judge acquitted Smith of all charges.

Earlier that same year an off-duty Downey Police Department officer was charged with assault with a deadly weapon after firing upon three youths in a car. On the night of January 11, 1977, the three youths were driving at high speed in the officer's neighborhood. When they passed his house, the officer tried to slow them down by throwing a bag of trash at the passing car. After he threw the trash, the car turned around and the youths began to throw the trash at the officer's home. Incensed at this action, the officer ran into his house, picked up his gun, and fired three rounds, wounding one of the passengers. Eventually, the officer was tried for assault with a deadly weapon, but a jury acquitted him of the charge.

The only conviction of an officer before Rollout involved West Covina Police Department Officer Timothy Willis. Willis was tried and convicted of the second degree murder of Geraldine Burgh, a 34-year-old Los Angeles secretary. Initially Willis had been charged with rape and murder, which constituted a first-degree murder charge, but the rape charge could not be sustained because of insufficient evidence.

The most controversial of all police prosecutions, coming in the wake of the Eulia Love shooting and just days before the official beginning of the Rollout program, was the shooting of Cornelius Tatum. The Tatum shooting led to the prosecution of three LAPD detectives.

On the night of January 27, 1979, Tatum went to work at a service station in South-Central Los Angeles. Because the station had been robbed earlier and because it was his first night of work there, Tatum took a shotgun and a handgun with him for protection. Testimony at the trial revealed that six police officers, in two cars and wearing plain clothes, passed the service station on their way to an assignment when they saw Tatum walking across the station lot carrying a shotgun. Thinking Tatum was an armed robber, the officers quickly pulled into the lot and leaped out of their cars to confront him.

The officers testified that they displayed their badges and identified themselves as police before ordering Tatum to drop the shotgun.

Tatum and two witnesses testified that they saw no badges and heard nothing between the time the officers jumped from their cars and the time they fired their revolvers into the cashier's booth where the attendant was standing. Three officers fired 11 shots, four of which hit Tatum, permanently paralyzing him from the waist down.

After an investigation of nearly 14 months, the SID and District Attorney John Van de Kamp made the decision to prosecute. The deputy district attorney in charge of the prosecution, Jay Lipman, said that the independent investigation led them to believe "that the officers lied on two points. One of the lies is that they identified themselves and the other is that they fired only after Tatum pointed the gun at them."[26] Lipman believed it was a "tryable case" as a result of the extensive investigation that took place.

After a lengthy trial, which caused bitter disputes between the LAPD and SID, two of the three officers were acquitted on the assault charges. The third officer faced the possibility of another trial after the judge declared a mistrial, but the DA's office declined to try him again.

The Tatum case continues to create difficulties between SID and LAPD. Lt. Higbie, who described the prosecution as "malicious," is resentful of the DDA who tried the case. He argues that the acquittal of the officers was meaningless because the officers went through a traumatic experience, the publicity was damaging, morale was hurt, and all the officers involved "were effectively lost to the department for the duration of their careers." The officers involved all requested and received reassignment to administrative detective assignments.[27]

The prosecution of the Tatum case took 14 months after Rollout began. Even though it was not a case that Rollout had produced, it may well have added to the weight of the prosecutor review of police shootings. It became one of the many events influencing police shootings in Los Angeles County, and may have had a deterrent effect on elective police shootings.

If that is the case, then it is not surprising that there were fewer prosecutions of police related to shooting incidents during Rollout than before. It could be that the near complete absence of prosecutions under Rollout is the best measure of Rollout's success, inasmuch as it indicates that, even with much more intense scrutiny, LADA could find no basis for prosecution of most shootings.

This evaluation made no attempt to second-guess these decisions. Resources did not permit the use of such techniques as review of the cases by an independent panel of experts. Thus, we are unable to say whether the rate of prosecution for, in some sense, questionable shootings changed at all.

B. *ON THE VISIBILITY OF PROSECUTORIAL DECISIONS*

These are our findings for Hypothesis 7, which stated that: *The decisions on whether to prosecute officers involved in shooting incidents became more visible and accessible to the public under Rollout than under earlier procedures.*

Public visibility of the DA's decision can be measured in a number of ways. The decision letter, for

instance, is a public document and any citizen can request a copy of it. In cases in which the victims have been killed or wounded and relatives are contemplating civil suits, family members may request a review of a particular incident by the DA's office. The police often are unwilling to divulge details of shootings as a matter of policy and interested parties desiring those details often contact the SID for shooting reports.

Two variables specifically measured the distribution of letters to others and citizen requests for a review of the shooting incident by the DA's office. Before Rollout the decision letter was sent to interested parties other than police agencies in 10.5 percent of the cases. During Rollout this figure increased to 17.7 percent (Table 6).

Citizens asked the DA to review a case 19 times before Rollout began (9.0 percent) while during Rollout the number decreased to 11 requests, or 8.4 percent (Table 7).

Interpretation of this finding can go two ways. One is that the public may realize that a case is already under investigation, and that a review would be superfluous. The other is that the public may believe that a request would be futile, based on the low number of prosecutions so far, and the acquittals in the Tatum case.

TABLE 6 DA LETTER SENT TO OTHERS

Period	Yes	No	Totals
Pre-Rollout	10.5% (23)	89.5% (192)	215
Rollout	17.7 (23)	82.3 (107)	130

TABLE 7 CITIZEN REQUESTS FOR REVIEW

Period	Yes	No	Totals
Pre-Rollout	9.0% (19)	91.0% (192)	211
Rollout	8.4 (11)	91.6 (120)	131

The best measure for determining the visibility of the DA decision letter to the public is whether the decision appeared in the local newspapers. The *Los Angeles Times* and the *Los Angeles Herald Examiner* are the two largest papers in the area, but time did not permit a comprehensive review of four years' coverage of those papers. Neither before nor during much of Rollout did the SID disseminate the decision letters to the media regularly. Only in the past few months has it become policy for LADA to give the media the decision letters and reports.

On balance, it appears that Rollout has produced some increase in the visibility of prosecutor's decisions, but the increase has not been substantial.

C. *ON PUBLIC PERCEPTIONS OF FAIRNESS*

These are our findings for Hypothesis 8, which stated that: *Members of the community perceived the investigations of police shootings to be fairer under Operation Rollout than under earlier procedures.*

The public's perception of Operation Rollout could not be measured systematically. Originally, we had intended to follow Gerald Caplan's recommendation to interview 20 to 25 purposively sampled community leaders. But after interviewing 12 leaders of groups concerned about the issues of police shootings and highly aware of Rollout, the flaw of this design became increasingly apparent. The interest groups concerned about this issue—as about most issues—are not representative of a cross-section of community opinion. Without the funds needed to survey a large sample of the population, any discussion of "public" perceptions would be misleading. For what it is worth, the opinions of leaders of such groups as the Coalition Against Police Abuse, the Hispanic and Black Task Forces of the Los Angeles Board of Police Commissioners, The American Civil Liberties Union, and the Avalon-Carver Community Center were decidedly mixed on the question of whether Rollout made the investigations fairer.

D. *ON POLICE SHOOTING RATES*

These are our findings for Hypothesis 9, which stated that: *Police shootings became less frequent in relation to crime and other factors under Operation Rollout than under earlier procedures.*

In the two years of Rollout's existence, the number of police shootings has declined sharply in comparison to the two years before Rollout, especially in the LAPD. The figures from the DA case files are incomplete for the two years before Rollout because before 1979 police departments in Los Angeles County were not required to submit officer-involved shooting reports to the SID. To determine the accuracy of the data, we turned to Marshall Meyer's analysis of LAPD officer-involved shootings.

Meyer undertook an analysis of every shot fire by LAPD officers from 1974 through 1978 and part of 1979 "in order to determine the frequency and results of shootings in Los Angeles. . . "[28] Hired by the Police Commisson in the wake of the Eulia Love incident to

study police shootings, Meyer gained access to officer-involved shooting files. Relying upon the LAPD's accounts of the shootings, Meyer claims to have "virtually complete files for 1977 and 1978," the two years preceding Rollout that this evaluation examines. In addition, Meyer has data from LASD, although these are somewhat incomplete.

Meyer's data for the LAPD show that 120 suspects were shot at in 1977, 101 in 1978, and 102 in 1979. These data also show that 166 shooting incidents occurred in 1977, 143 in 1978, and 146 in 1979. These data include accidental discharges, shooting of animals, and intentional discharges. To obtain a time comparison with the data from this study we must look at Meyer's figures on "hits."

The number of persons actually hit by police bullets in 1977 was 74, according to the Meyer data, 33 of whom were killed. In 1978, the number dropped to 63 hits with 20 killed, and in 1979 dropped further to 61 hits and 14 killed. By 1980, according to data reported in the *Los Angeles Times,* the numbers dropped to 49 hits and 15 killed.[29]

TABLE 8 NUMBER OF PERSONS WOUNDED AND KILLED, LAPD, 1977–80
MEYER DATA AND DA CASE FILES

Source	1977		1978		1979		1980	
	Wounded	Killed	Wounded	Killed	Wounded	Killed	Wounded	Killed
Meyer	41	33	43	20	47	14	34	15*
DA Files	16	30	33	18	41	13	33	14

* *Los Angeles Times,* January 30, 1981

In Table 8 the data from the DA case files show fewer cases than the LAPD data, especially for the two years preceding Rollout. During those years (1977 and 1978) the Board of Police Commissioners asked the LAPD to report shooting cases to the DA's office only where death ensued or where the circumstances justified a review.[30] The data show that this request was fulfilled, for the LAPD reported deaths more accurately then woundings. After Rollout began, the board asked LAPD to notify the DA's office in all shootings where death *or* injury occurred. Discrepancies in the data after Rollout began can be explained because the DA's office was not notified of shootings where officers shot other officers or where officers shot themselves.[31]

Regardless of the discrepancies in shootings reported to the SID, it remains striking that a decrease in the number of shootings has occurred in the last four years (see Figure 1). The decrease, especially with regard to killings, began after 1978, the years when Rollout took effect, but we cannot say with certainty that Rollout "caused" the decline.

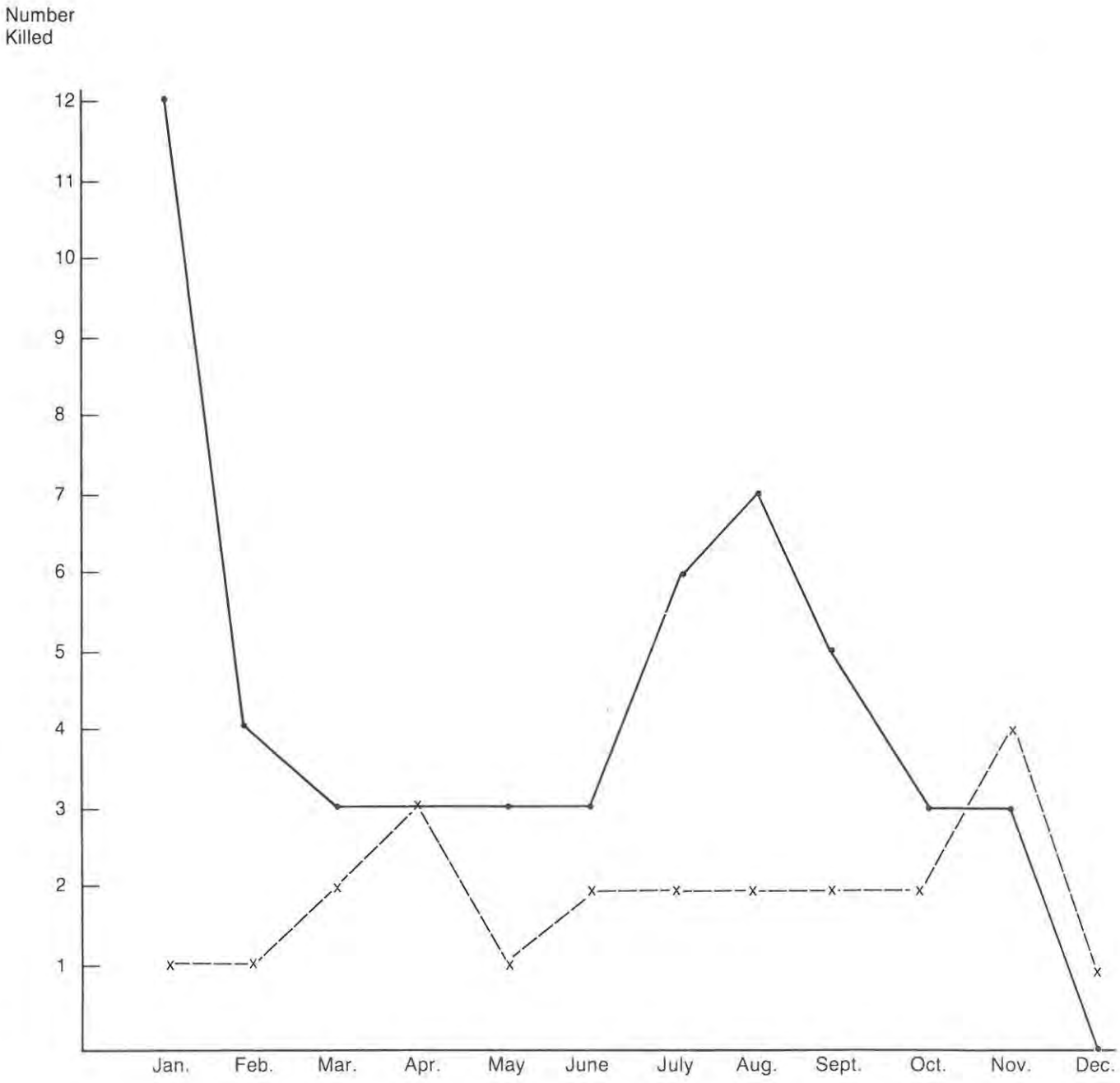
Several reasons for the decrease in shootings have been suggested. Chief Gates attributes the decline in shootings to "greater restrictions on when police can shoot and less aggressiveness by officers."[32] Meyer claims that the "changes may reflect the specific actions taken by the Police Commission and the Department for the purpose of reducing the number of shootings." Commission and departmental actions related to shootings include revision of the LAPD shooting policy in September 1977, followed by a series of four-hour shooting seminars that all officers were required to attend. Meyer explains that "the new shooting policy and related training may have been the cause of decreased incidents of police shootings overall as well as decreased injuries in fatalities in 1978 and again in 1979."[33]

Though LASD was beyond the purview of Meyer's study, he obtained data from that department for 1977 and 1978. Data are unavailable for 1979–1980 in Meyer's analysis, but the trend based on the DA case file shows a decrease in the numbers of wounded and killed (Table 9). Figure 2 displays the trend line over time.

TABLE 9 NUMBER OF PERSONS WOUNDED AND KILLED, LASD, BY YEAR
MEYER DATA AND DA CASE FILES

Source	1977		1978		1979		1980	
	Wounded	Killed	Wounded	Killed	Wounded	Killed	Wounded	Killed
Meyer	32	12	28	16	NA	NA	NA	NA
DA Files	30	9	24	16	23	12	21	12

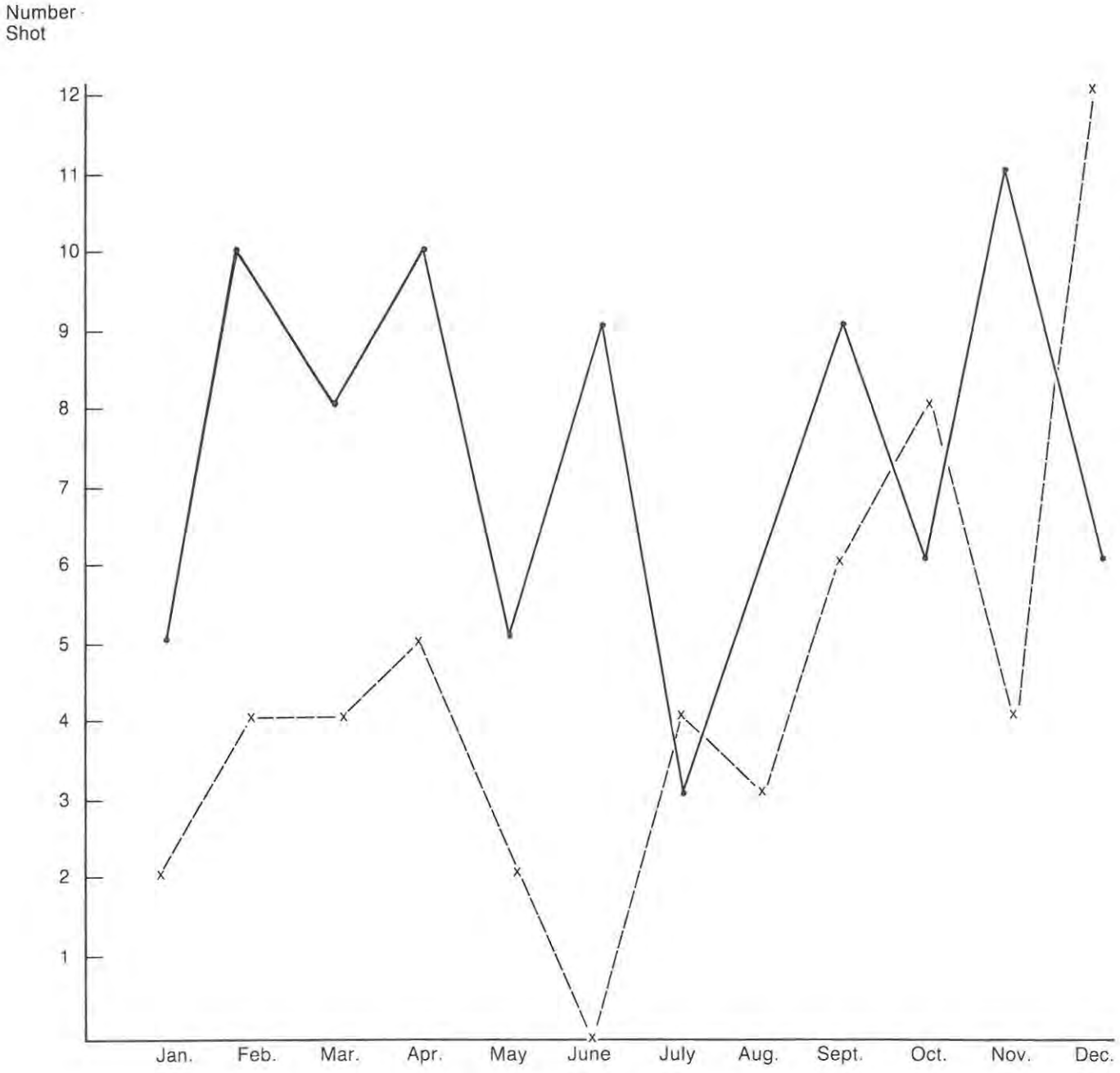
Figure 1
TREND LINES OF CIVILIANS KILLED BEFORE AND DURING ROLLOUT (LAPD)



Number of civilians killed by month, before and during Rollout, for LAPD only, 1977–1980
(From the DA case files)
Before Rollout = ———
During Rollout = — — —

Figure 2

TREND LINES OF CIVILIANS SHOT BEFORE AND DURING ROLLOUT (LASD)



Number of civilians shot by month, before and during Rollout, for LASD only, 1977–1980
(From the DA case files)
Before Rollout = ———
During Rollout = — — —

Sheriff Peter Pitchess and Undersheriff Sherman Block have maintained that the Rollout program has not affected the number of patterns of the LASD shootings. In an interview with Professor Fyfe, Block said that such a finding would indicate that shootings were not effectively controlled before the program.[14] Yet, a great deal of the decline in the frequency of the shootings seems to be directly attributable to the changing nature of the shootings, and perhaps to the elimination of more "undesirable" shootings. Whether Rollout was the cause of that change is impossible to say.

E. *ON THE NATURE OF POLICE SHOOTINGS*

These are our findings for Hypothesis 10, which stated that: *A smaller proportion of all police shootings were "elective," or not in the defense of immediate threats to life, after Operation Rollout than before.*

An analysis of the data for the LAPD and the LASD reveals changes in the shooting behavior of the officers. For the LAPD, the most striking changes are demonstrated in the officers' actions before the shooting and in elective and nonelective shootings.

In officers' actions just before firing their weapons a noticeable decrease is seen in the "hot pursuit" category. Before Rollout, an LAPD officer fired in hot pursuit—either on foot or in the car—in 31 incidents (31 percent). After Rollout began, this number decreased to 17 (19.8 percent). This is consistent with the figures for elective vs. nonelective shootings. We have labeled "elective" shootings as those done to apprehend a fleeing felon and to prevent or to terminate a crime. We have labeled nonelective shootings as those in which an officer fired in defense of himself or of others. Obviously, there are certain value judgments implicit in the labels, but there is clearly more discretion in situations other than threats to life. Elective shootings before Rollout occurred in eight LAPD incidents (8 percent) and decreased to four incidents (4.6 percent) after Rollout began. Nonelective shootings remained the same, and accidental shootings (neither elective nor nonelective) increased slightly.

Another characteristic that changed in the LAPD was the increase in the off-duty shootings that occurred during Rollout. In only four incidents before Rollout did off-duty officers fire guns (4 percent) but that number increased to 9 (10.5 percent) during Rollout.

Three shooting characteristics remained unchanged in the LAPD during the four-year period: the type of weapon used by the opponent, whether the officer saw a weapon, and how the police officer became involved. We defined officer involvement as "reactive" and "proactive" measures. That is, we asked whether the officer responded to a shooting incident through a radio call or through advisement by a citizen (reactive) or whether the officer observed an on-going incident (proactive).

In contrast to the LAPD, changes in officer involvement and in off-duty shootings did occur in the LASD.

Before Rollout, four off-duty LASD deputies were involved in shooting incidents (5.6 percent). After Rollout began, only one off-duty deputy fired his weapon (2 percent). Shootings by deputies on duty in civilian clothes also decreased during Rollout (Table 10).

TABLE 10 DUTY STATUS BEFORE AND DURING ROLLOUT FOR THE LASD

Period	On Duty in Uniform	On Duty in Civilian	Off Duty	Totals
Pre-Rollout	85.9% (61)	8.5% (6)	5.6% (4)	71
Rollout	96.3 (52)	1.9 (1)	1.9 (1)	54

Shootings in "proactive" police encounters also decreased markedly during the Rollout period for Sheriff's deputies (Table 11). Proactive shootings, in which officers became involved through their own initiative, constituted 38.0 percent of the pre-Rollout shootings. After Rollout began, they decreased to 22.2 percent. Thus, the deputies were relatively less likely to fire in incidents not involving response to radio calls or by citizens' information during Rollout than before.

TABLE 11 HOW POLICE BECAME INVOLVED, BEFORE AND DURING ROLLOUT FOR THE LASD

Period	Reactive	Proactive	Other	Totals
Pre-Rollout	57.7% (41)	38% (27)	4.2% (3)	71
Rollout	75.9 (41)	22.2 (12)	1.9 (1)	54

On balance then, the hypothesis is fully confirmed. All of our various indicators of elective and nonelective shootings suggest that fewer elective shootings occurred during Rollout than before.

F. *ON POLICE OFFICER INJURIES*

These are our findings on Hypothesis 11, which stated that: *Police officers suffered no decline in their safety after Operation Rollout began.*

During the Rollout years, the percentage of injured officers increased, but the absolute numbers decreased compared to the two years preceding Rollout, in the context of officer-involved shooting incidents.

Before Rollout, officers were wounded (stabbed, shot, punched), killed, or hurt indirectly (car crashes) in 31 of 211 shooting incidents (14.7 percent). After Rollout began, the percentage of officer injuries rose slightly to 17.9 percent (Table 12), but the absolute number of injuries declined from 31 to 28.

The shift occurred primarily in the LAPD, where injuries of officers more than doubled. In the pre-Rollout period, an officer was stabbed, shot, or punched in 6 percent of the incidents (Table 13). During the Rollout years this increased to 15.1 percent (13 of 86). Indirect injuries went down. That is, those injuries caused by a car crash or slipping when chasing down a felon decreased from 10 percent to 3.5 percent, a direct result of the restraint in firing on auto pursuits and fleeing felons described above.

TABLE 12 OFFICER INJURIES, BEFORE AND DURING ROLLOUT, AGGREGATE DATA FOR LAPD, LASD, LBPD

Period	None	Wounded	Killed	Other Injury	Total
Pre-Rollout	85.3% (180)	7.6% (16)	0.5% (1)	6.6% (14)	211
Rollout	82.1 (128)	14.7 (23)	1.3 (2)	1.9 (3)	156

TABLE 13 OFFICER INJURIES, BEFORE AND DURING ROLLOUT FOR LAPD ONLY

Period	None	Wounded	Killed	Other Injury	Total
Pre-Rollout	84.0% (84)	6% (6)	0% (0)	10% (10)	100
Rollout	80.2 (69)	15.1 (13)	1.2 (1)	3.5 (3)	86

These data are difficult to interpret for several reasons. First, we have almost no data on total injuries to officers, despite our efforts to obtain these data from all the Los Angeles County police agencies. Our injury data are limited to injuries in officer-involved shootings reported to the SID. Second, given the reduced percentage of nonelective shootings, it is almost predictable that more of the situations in which police shoot, proportionally, would be situations that pose a direct danger to their own safety. They shoot less often, but when they do, they are more likely to be doing so because they have already been or are about to be injured.

An apparent problem with the latter interpretation is that the absolute number of serious injuries increased in the LAPD (only), as well as the proportion of serious injuries. Yet that increase was only from 16 to 17, which could have occurred by chance. The increase in absolute numbers is not statistically significant. Even if it were, the increase could be due to causes other than Rollout. More attacks on the police could have occurred with the increases in certain crime rates. On the other hand, it is equally plausible that the increased number of woundings in LAPD officer-involved shootings was due, at least in part, to Rollout's effect in making officers more hesitant to use their weapons for fear of the DA's review. Yet logic tells us that officers would worry about survival more than the fear of prosecution.

In only one incident during the Rollout experience has an officer withheld firing because he was fearful of the DA's review. The incident involved deputies in Pico Rivera, who responded to a family disturbance call of "man with a knife." Upon their arrival, they entered the house and were confronted by Jesse James Ramirez armed with a nine-inch butcher knife. One of the deputies told Ramirez to drop the knife, but Ramirez refused and said, "Shoot me." He then moved, with knife in hand, toward the deputy. The deputy backed away from Ramirez, going through the bedroom and living room of the house, out the front door, ending up on the front lawn area near the street. The deputy several times ordered Ramirez to drop the weapon. Only when the deputy reached the curb of the street and thought he would trip and fall did he fire his weapon, wounding the suspect. When asked why he did not shoot sooner, the deputy said he was aware of the media trying to "hang cops" and district attorneys prosecuting cops for shootings.

G. *ON POLICE DISCIPLINARY ACTION*

These are our limited findings for Hypothesis 12, which stated that: *Los Angeles County police agencies took more stringent disciplinary actions under Rollout than under earlier procedures.*

The original evaluation design suggested that Rollout might result in more stringent police disciplinary actions against improper shootings. Unfortunately, data for this hypothesis were available only on a

limited basis because of the lack of cooperation from a number of police agencies.

A Police Foundation questionnaire asked all police agencies in Los Angeles County to provide statistics on the number of officers assaulted, the number of shooting investigations, and the dispositions of those investigations since January 1977. We asked how many shootings were ruled justifiable, were ruled unjustifiable, or had been adjudicated in other ways, and the number of officers disciplined as a result of unjustifiable shootings (see Appendix F). Of the 52 agencies, 22 responded in some way to our request: 19 filled out the questionnaire in its entirety; 3 other departments refused. Of the three major departments in Los Angeles County (the LAPD, the LASD and the LBPD), only Long Beach responded in a positive way. The Los Angeles Police Department did not respond, and Sheriff Pitchess of LASD refused to supply the information we needed. Pitchess said:

> We greatly resent the inference put forth by your questionnaire which tends to indicate that the existence of the Rollout program should somehow have an impact on the frequency of officer-involved shootings. Such a premise is insulting in that it blatantly alleges that the shootings in past years occurred solely because there was an absence of a review procedure.
>
> We have supported and continue to support, the Rollout program, and its singular most positive effect has been that it has resulted in a more timely rendering of decisions by the Office of the District Attorney in officer-involved shooting situations.[35] (See Appendix G for full text.)

Of the 19 departments that responded to our questionnaire, 13 currently participate in the program, 4 do not, 1 calls the SID on a "selective basis," and 1 remains "undecided."

Within the 19 departments, 90 shooting incidents occurred over the four-year time span. Of those, only one shooting was ruled "unjustifiable"—in Pasadena in 1978—resulting in a reprimand. In Long Beach, 44 shootings occurred in the four years. All were ruled "justifiable," but nine officers were disciplined, two in 1977 and seven in 1980. This represents an increase in the number of officers disciplined during Rollout over the pre-Rollout years. But to conclude that Rollout resulted in more stringent disciplinary actions would be unfair to the LBPD because of the unknown circumstances surrounding the shootings and the lack of information on which the decisions were based.

Though the LAPD did not respond to the questionnaire, an interview with Assistant Chief Marvin Iannone provided some insight into the mechanics of LAPD's disciplinary proceedings. Assistant Chief Iannone serves as the intermediary between the Use of Force Review Board and Chief Daryl F. Gates. The Use of Force Review Board adjudicates *all* officer-involved shootings, including "hits," accidental discharges, shootings of animals, and suicides. The board recommends a finding and, if necessary, a penalty. Iannone reviews the board's case file and either concurs or disagrees with the findings and proposed penalty. If the Use of Force Review Board invokes a punishment upon the officer, Iannone consults with the board and they arrive at a joint decision. He sends the file to Chief Gates for his review and concurrence. Once the police department has completed its review, the Board of Police Commissioners examines the police report and the recommendations of the Use of Force Review Board. The commissioners have 30 days to approve or disapprove the findings of the Use of Force Review Board.

None of the LAPD disciplinary procedures seems to have been affected by Rollout.

VI. RECOMMENDATIONS

This final section presents our recommendations regarding the three central questions of the evaluation. First, should Los Angeles County continue Operation Rollout in its present form, modify it, or abandon it? Second, should other cities adopt Rollout? Third, if federal funds again become available for local law enforcement assistance, should they be used to sponsor Rollout programs?

A. *LOS ANGELES COUNTY SHOULD CONTINUE OPERATION ROLLOUT, BUT WITH MAJOR MODIFICATIONS.*

Overall, Rollout has been a positive change in the Los Angeles County criminal justice system, but it has not lived up to its full potential. The increases in the fullness and timeliness of the DA investigations, as well as its possible effect of reducing undesirable police shootings, would seem to justify its continuation. The only quantifiable negative change associated with Rollout is a slight increase in shooting-related officer injuries since the implementation of the program. Logically, the possibility that Rollout may have helped cause this increase in injuries appears slight because it is doubtful that officers would refrain from shooting in life-threatening situations out of fear of future censure or charges by the DA: survival is the primary instinct. In view of the increases in other forms of violence in Los Angeles during this period—the criminal homicide rate, for example—it is most probable that Rollout has had little or no causal effect in this area, and that increased officer injuries are simply a reflection of concurrent increases in general levels of violence in Los Angeles.

A_1: The Rollout team should be given complete freedom of movement at all scenes of officer-involved shootings.

There are substantial limitations to the program in its present form, especially in relation to the LAPD. The limited access that DDAs have to observe the investigation, and the occasional success of the LAPD in keeping the Rollout team from interviewing the witnesses makes Rollout even less of an independent check and balance.

Rollout has become a symbolic struggle over the autonomy of the Los Angeles police agencies. The mere fact that the authority of a DA to be present at an investigation is an issue indicates something that we find fairly unusual in national perspective: the tremendous autonomy of police agencies from outside control established in Los Angeles tradition. In New York, Baltimore, Philadelphia, Phoenix, and Houston, the district attorney's office conducts investigations on equal footing with its respective police department.

Our own view of the proper relationship of police to prosecutor is that the prosecutor should serve as a check on the police. The prosecutor cannot accomplish this task if police prevent the prosecutor's deputies from observing a fresh incident scene and obstruct their attempts to interview witnesses. Given the way Rollout has worked, there is no greater insurance under Rollout than under earlier procedures against possible police cover-ups of facts damaging to the police officers involved in a shooting. With the DA team kept out of the scene on the other side of the ropes, police investigators theoretically could destroy evidence, rearrange furniture, and obtain collaboration on a credible, if altered, version of what happened.

Moreover, there is no reason for shutting the DA team out of the investigation. LADA does not have the resources to conduct a full investigation of each police shooting incident, but the Rollout team can certainly assist on the scene. The argument that two professionals would "get in the way" or inadvertently move evidence seems to be spurious. The only reason we can see for keeping the Rollout team beyond police lines is to symbolize the institutional power of the police and the weakness of the DA.

A_2: The LAPD should diffuse assignments of shooting investigations to a team of rotating co-equal investigators.

The institutional tensions clearly are heightened by the LAPD system of placing one commander in charge of all police shooting investigations, rather than a variety of homicide detectives. We recommend that the LAPD adopt the procedures of the LASD—to assign a rotating group of duty investigators to officer-involved shootings. Such a change would also facilitate the LAPD's adoption of other LASD procedures, which produce far more accountable investigations than the LAPD procedures.

A_3: All police agencies should employ the LASD format of reporting on their investigations to LADA, including transcripts of all interviews.

This procedure would remove the questions about the third-person style of the LAPD reports, in which a single set of facts is narrated without attribution to different sources on different points. It is impossible for LADA to evaluate the LAPD reports independently because the reports include none of the original investigative information on which they are based. The LASD reports, in contrast, are virtual books consisting of copies of all original investigative information.

A_4: The Rollout team should be allowed to observe police interviews of civilian witnesses and be allowed to interview police witnesses as soon as police investigators have finished with each individual witness.

This recommendation would give the DA team much more direct information at the scene. It would avoid the smoothing over of any conflicts in testimony before the DDAs hear that testimony. It would also provide a much more efficient system for administering interviews at the scene—a far better system than keeping all the witnesses away from the DA team until police have completed all interviews, and then releasing ten impatient witnesses to the DA team all at once.

A_5: LADA should empanel a special grand jury to hear testimony from police officer witnesses of the shooting incidents.

This recommendation would avoid lengthy delays in the decisionmaking process caused by police witnesses who refuse to be interviewed by the DA team. The only way to obtain testimony of police witnesses after a request has been rejected is to request a hearing before the grand jury. But going through the normal channels has proven time consuming. To alleviate that problem, we suggest that the DA either give priority to police shooting incidents for presentation to the grand jury or empanel an additional grand jury.

A_6: LADA should discuss Rollout with police officers of all affected police agencies at special training sessions or roll calls.

This recommendation would enable the street officer to understand the Rollout program in its entirety. A complete orientation to the program would eliminate the rumors that the DA's office is "out to get cops" and would help improve the relationship between the SID and the police agencies in Los Angeles County. More important, it would make the program fairer to police officers by making more understandable the nature of the DA's role in officer-involved shooting cases.

Most of these recommendations are consistent with the Los Angeles tradition of letting police take charge at investigation scenes despite the DA's presence. These recommendations simply modify that tradition to give the Rollout team a better opportunity for an independent review of the case, and to provide a reasonable compromise with the common law tradition of prosecutorial superiority. Without these recommendations, however, that compromise goes too far. We believe these recommendations will help fulfill the potential of Rollout to make the investigations even more fair, objective, and independent, the program's current weaknesses.

B. *OTHER CITIES SHOULD CONSIDER ADOPTING A ROLLOUT PROGRAM IF THERE IS A SIGNIFICANT LACK OF PUBLIC CONFIDENCE AND TRUST IN THE OBJECTIVITY OF POLICE SHOOTING INVESTIGATIONS.*

Rollout is a solution to a problem: public disapproval of certain police shootings and disbelief that those shootings could be justified. Rollout is an expensive and extraordinary form of oversight that is appropriate to the widespread community concern over police use of deadly force in Los Angeles County. It would not be appropriate or justified without that concern.

For cities in which police shooting incidents are rare, however, there are good reasons to have a prosecutor roll out and monitor or direct the investigation. The practice does seem to produce a speedier decision about the criminal liability of the officers. Most important, it symbolizes the accountability of the police to another public agency and, ultimately, to the public itself.

C. *FEDERAL FUNDING OF OTHER ROLLOUT PROGRAMS SHOULD BE CONSIDERED ONLY TO DEMONSTRATE NEW APPROACHES.*

With this report, the demonstration and evaluation purpose of federal funding of Rollout has been satisfied. Further funding not tied to further evaluation would be strictly for operational purposes. Given the relative ease with which most prosecutors can establish Rollout within their existing budgets, operational funding would not seem to be justified. Further funding for demonstrations under different conditions—such as prosecutorial control over the investigation scene—would have national implications, and might therefore be justified. Whether any funding for local law enforcement assistance will be available, and if so, whether this will be a priority issue, is of course highly uncertain.

Notes

1. National Advisory Commission on Criminal Justice Standards and Goals, *Report on Police* (Washington, D.C.: U.S. Government Printing Office, 1973) 608.
2. See Therese A. Shady, "The Eulia Love Incident and Police Use of Deadly Force in Los Angeles: The Dynamics of Planned Change," unpublished ms. School of Criminal Justice, State University of New York at Albany, 1980. Also see Marshall Meyer, *The Report of the Board of Police Commissioners Concerning the Shooting of Eulia Love and the Use of Deadly Force, Part IV: Statistical Analysis of Los Angeles Police Officer-Involved Shooting, 1974-1978* (Los Angeles: Los Angeles Police Department 1980).
3. Shady, "Eulia Love Incident," 6.
4. *Los Angeles Times,* September 30, 1977, Part I, 36, "Police Board Upholds New Firearms Policy," quoting Chief Davis.
5. Gerald M. Caplan, "Evaluation Design for Operation Rollout," March 7, 1980.
6. Letter from the Los Angeles Board of Police Commissioners to the Police, Fire, and Civil Defense Committee, Los Angeles City Council, June 6, 1977, 8-9.
7. *Los Angeles Times,* June 28, 1979, Part II, 1, "Pitchess Assails DA, Supervisors over Mistake-Killing Comments," by Evan Maxwell.
8. Grant Proposal to LEAA for "Operation Rollout," Los Angeles County District Attorney's Office, August 1979, 12.
9. Ibid.
10. As part of the observations, Uchida used a 15-variable coding instrument to classify and record the actions undertaken by the DA team and the police agencies (see Appendix D).
11. From testimony given in *People of the State of California v. Henry Vasquez and Louie Ramos,* May 30, 1980, 31.
12. Interview with Lt. Charles Higbie conducted by Prof. James J. Fyfe, January 1981.
13. *Los Angeles Times,* July 1, 1981, Part II, 2, "Gates Changes Shooting Probe Method," by David Johnston.
14. Conversation with DDA Gilbert Garcetti, September 18, 1981.
15. Interview with Undersheriff Sherman Block conducted by Prof. James J. Fyfe, January 7, 1981.
16. Decision letter from DDA J. Michael Byrne to Captain A. Walt Ownbey, October 27, 1979.
17. Notification time for the ten LAPD rollouts was 80.4 minutes, but that figure is skewed because of one shooting in which notification time was 330 minutes. In that incident, the officers were unsure if a robbery suspect had been hit. Only after they had apprehended him did they realize that it was necessary to call the SID Command Post. If that shooting is disregarded (in terms of notification time), the average falls to 52.7 minutes.
18. The Taser (Thomas A. Swift Electric Rifle), is a battery-operated electric dart gun that delivers an immobilizing 50,000 volt jolt to its target. The weapon fires two small wire-trailing darts from cassettes by means of smokeless gunpowder. An electric arc created by the darts jolts the suspect, wracking the body with involuntary muscle spasms. Both darts must fire, hit, and penetrate skin or clothing for the Taser to work.
19. November 1980 shooting. At this writing, the case is still open.
20. From the minutes of SID Staff Meeting, September 1980.
21. *Webster's New Collegiate Dictionary* (Springfield, Mass.: G. & C. Merriam Co., 1973) 411.
22. Conversation with DDA Gilbert Garcetti, July 1981.
23. Interview with Lt. Charles Higbie conducted by Prof. James J. Fyfe, January 6, 1981.
24. *Los Angeles Times,* October 12, 1980, Part II, 1, "Inquiry Controversy Centers on Department Cooperation," by Robert Welkos. "When L. A. Police Shoot, the D.A. 'Rolls Out'," by David Johnston, *Police Magazine* 4 (2), March 1981, 17-20.
25. Interview with DDA Wilbert Owens conducted by Craig Uchida, January 1981.
26. Interview with DDA Jay Lipman conducted by Craig Uchida, January 1981.
27. Interview with Lt. Charles Higbie conducted by Prof. James J. Fyfe, January 6, 1981.
28. Meyer, *Report of the Board of Police Commissioners,* 12.
29. *Los Angeles Times,* January 30, 1981, "LAPD Shooting Incident Drops," by David Johnston.
30. Letter from the Los Angeles Board of Police Commissioners to the Police, Fire, and Civil Defense Committee, Los Angeles City Council, June 6, 1977, 8-9.
31. A conversation with Professor Marshall W. Meyer helped to explain the discrepancies, September 1981.
32. *Los Angeles Times,* January 30, 1981.
33. Meyer, *Report of the Board of Police Commissioners,* 16.
34. Interview with Undersheriff Sherman Block conducted by Prof. James J. Fyfe, January 7, 1981.
35. Letter from Sheriff Peter J. Pitchess to Lawrence W. Sherman, February 26, 1981. We also received letters from other police chiefs. Culver City Police Chief Ted Cooke simply returned the questionnaire with a one-line sentence: "We do not have any use for the 'rollout team' ." Monterey Park Police Chief Jon D. Elder elaborated further: "I personally think that the program is an absolute waste of taxpayer's money, as well as being a duplication of investigative efforts. I am further sickened that the Police Foundation is spending even more money to evaluate this politically motivated fiasco." (Chief Jon D. Elder to Lawrence W. Sherman, February 23, 1981). See Appendix G for the full texts of Pitchess's and Elder's responses.

References

1. Caplan, Gerald M. "Evaluation Design for Operation Rollout." March 7, 1980.
2. Johnston, David. "When L. A. Police Shoot, the D. A. 'Rolls out'." *Police Magazine* 4 (2) March 1981, 17-20.
3. Los Angeles County District Attorney's Office. "Operation Rollout" Grant Proposal to the Law Enforcement Assistance Administration. August 1979.
4. Meyer, Marshall. *The Report of the Board of Police Commissioners Concerning the Shooting of Eulia Love and the Use of Deadly Force, Part IV: Statistical Analysis of Los Angeles Police Officer-Involved Shooting, 1974-1978.* (Los Angeles: Los Angeles Police Department, 1980).
5. National Advisory Commission on Criminal Justice Standards and Goals. *Report on Police.* (Washington, D.C.: U.S. Government Printing Office, 1973).
6. *People of the State of California v. Henry Vasquez and Louie Ramos.* May 30, 1980.
7. *The Penal Code of the State of California: The Complete Peace Officer Edition, 1977-78.* (Los Angeles: Legal Book Corp., 1978).
8. Shady, Therese A. "The Eulia Love Incident and Police Use of Deadly Force in Los Angeles: The Dynamics of Planned Change." Unpub. ms. School of Criminal Justice, State University of New York at Albany, 1980.
9. Van de Kamp, John D., Gilbert Garcetti and James Albracht. "In the Matter of Cedric Steward; District Attorney Final Report." April 6, 1981.
10. *Webster's New Collegiate Dictionary.* (Springfield, Mass.: G. & C. Merriam Co., 1973).

APPENDIXES

APPENDIX A

DA/LASD GUIDELINES FOR RESPONDING

TO DEPUTY-INVOLVED SHOOTING INCIDENTS

August 2, 1979

I. NOTIFICATION

A. The D.A.'s Command Post (974-3607) will be notified by the assigned LASD Homicide Lt. without delay and consistent with LASD reporting procedures. The Homicide Lt. may delegate this assignment to one of his investigators.

B. The notification shall include a brief description of the circumstances as they are known by the LASD Homicide Bureau at that time.

II. AT THE SCENE

It shall be the responsibility of the assigned LASD Homicide Lt. to coordinate the investigation being conducted by LASD with the District Attorney's personnel who arrive at the shooting scene.

As soon as is practicable and consistent with LASD needs after arriving at the scene, the Homicide Lt. shall:

A. Provide the D.A. SID personnel with a briefing of the information developed thus far in the investigation.

B. Provide a location for the D.A. SID Team to observe the scene investigation. SID shall not enter the scene until escorted by the Homicide Lt. (NOTE: LASD shall make every effort to position the D.A. SID Team to clearly view the physical evidence within the scene and to observe the investigative work by all LASD investigative and support personnel within this area. Upon request and before any evidence is removed from the scene, LASD shall make available for inspection to D.A. personnel the physical evidence found at the scene.)

C. Provide a comprehensive walk-through of the scene, at which time the D.A. Team may, if they elect, take photographs, measurements, etc. The walk-through shall include an explanation of the shooting incident as LASD then believes it to have occurrred, including an update of the identification of all civilian and sworn witnesses and principals and their whereabouts as well as any other information that might assist the D.A. SID Team in their function at the scene.

III. AT THE SHERIFF'S STATION

A. The LASD Homicide Lt. shall, as soon as possible, contact any SID personnel who may have arrived at the Sheriff's station and continue to coordinate the LASD investigation with the D.A. investigation.

B. When LASD Homicide investigators have completed their interviews of any civilian witnesses at the station and know that the D.A. Team may want to interview the witnesses, the Homicide Lt. shall make the witnesses available to them. If possible, the LASD Homicide Lt. shall brief the D.A. Team concerning the statements of civilian witnesses made to LASD investigators including whether the interviews were tape-recorded. This will be done to enable D.A. personnel to decide whether to interview any of these civilian witnesses. (Every effort will be made to record interviews.) LASD shall attempt to provide the D.A. Team with an available room or office in which to conduct an interview of civilian witnesses. If no room is available, it will be the D.A. Team's responsibility to find an acceptable location for the interview.

C. The Homicide Lt. will make every reaonsable effort to keep the D.A. Team informed of the progress of the entire ongoing investigation.

IV. NON-LASD OFFICER-INVOLVED SHOOTINGS - ASSISTANCE TO OUTSIDE AGENCIES

A. LASD shall handle the investigation of another police department's officer-involved shooting incident if requested to do so by the involved agency. The results of the LASD investigation shall be given to the D.A.'s office if the involved agency directs LASD to do so.

B. If LASD is called by the involved agency to handle the OIS investigation, the involved agency will also call the D.A.'s Command Post requesting the D.A. SID Team if they have elected to have the D.A. SID Team respond. Whenever we go to an OIS scene where the investigation is being conducted by LASD, LASD and D.A. personnel shall govern their conduct in accordance with these written guidelines.

V. OFF-DUTY DEPUTY-INVOLVED SHOOTINGS

A. If the shooting occurs within LASD's geographic jurisdiction, the shooting shall be handled in accordance with these guidelines.

B. When the shooting occurs in Los Angeles County but within another law enforcement agency's geographic jurisdiction, the shooting shall be handled in accordance with these guidelines if the outside agency requests LASD to conduct the investigation. If the outside agency elects to conduct the investigation, the outside agency shall determine the need for the presence of D.A. SID staff.

APPENDIX B

LOS ANGELES POLICE DEPARTMENT/DISTRICT ATTORNEY'S OFFICE

GUIDELINES -- INVESTIGATIONS OF OFFICER-INVOLVED SHOOTING AND IN-CUSTODY DEATH INCIDENTS

NOVEMBER 20, 1980

I. PREAMBLE

Los Angeles Police Department officer-involved shooting incidents that result in woundings or fatalities are investigated both by the Los Angeles Police Department and the District Attorney's Office. Each agency has as its first goal the ascertainment of all the circumstances surrounding the shooting incident or an in-custody death. Once the facts have been determined, the LAPD reviews the incident for statutory and administrative purposes; the D.A.'s Office reviews the incident to determine whether it was within the penal laws of California.

These guidelines set forth specific areas of agreement between the District Attorney's Office and the Los Angeles Police Department. However, the guidelines, though instructive, are not exhaustive. Both the LAPD and the D.A.'s Office recognize that a spirit of professional cooperation at all stages of the investigation best serve the interests of the community, the involved officer, the person shot, families of those involved, and our respestive agencies. It is this spirit of professional cooperation that both agencies agree shall underlie the relationship between the two offices in the investigation of officer-involved shooting incidents and in-custody death cases.

II. NOTIFICATION

A. The LAPD will notify the D.A.'s Command Post (974-3607) of:

1. All LAPD officer-involved shooting incidents within the County of Los Angeles that have resulted in a wounding or fatality.

2. All deaths of individuals within the County of Los Angeles who are in the custody or control of the LAPD or whose death might be attributed to the action or conduct of LAPD personnel.

Notification to the D.A.'s Office will be made as soon as possible consistent with the LAPD's normal internal notification procedures. Notification, however, will be made whenever possible within 30 minutes of the LAPD Headquarters becoming aware of the incident. The notification procedures will be followed whether or not the involved officer(s) was on or off duty at the time of the incident.

B. The notification will include an explanation of the circumstances of the incident as they are then known by the LAPD officer making the notification.

C. The D.A.'s Office will send a Deputy District Attorney and District Attorney Investigator to officer-involved shooting incidents for which notification is given by the LAPD. Whether or not a Deputy District Attorney and District Attorney Investigator will respond to a notification of an in-custody death incident shall depend upon the circumstances of the particular incident.

III. AT THE SCENE

Upon the arrival of the D.A.'s Officer-Involved Shooting Team at the scene of the incident, the appropriate LAPD officer, as soon as practicable, will:

A. Provide the D.A. SID personnel with a briefing of the pertinent information developed thus far in the investigation including:

1. All known circumstances surrounding the incident including the names and whereabouts of any witnesses.

2. The status of the LAPD investigation (what LAPD is doing, how long they will be at the scene, how long before walk-through, etc.)

All available information is understood to be tentative and subject to change.

B. Provide a location for the D.A. SID Team to clearly observe the on-scene investigation. SID personnel shall enter the scene when escorted by LAPD personnel. (NOTE: LAPD will make every effort to position the D.A. SID Team to clearly view the physical evidence within the scene and to observe the investigative work by all LAPD investigators and support personnel within this area. Upon request and before any evidence is removed from the scene, LAPD will, when practicable, make available for inspection to D.A. personnel the physical evidence found at the scene.)

C. Provide a comprehensive walk-through of the scene at which time the D.A. personnel may, if they elect, take photographs, measurements, etc. The walk-through will include an explanation of the shooting incident based upon information known at the time, including an update of the identification of all civilian and sworn witnesses and principals and their whereabouts as well as any other information that might assist the D.A. SID Team in their function -- the ascertainment of the facts surrounding the incident.

IV. AT THE POLICE STATION

A. The appropriate LAPD Investigator will, as soon as practicable, contact any SID personnel who may have arrived at the station and discuss with them the status of the investigation, including:

1. The names of all officers who were involved in the incident or who were witnesses to any part of the incident. The present whereabouts of these officers.

2. The names of any civilian witnesses to the incident, the present location of these witnesses, and information concerning whether or not any of these witnesses have been interviewed and, if so, a brief summary of the interview.

B. When LAPD investigators have completed their interview of any civilian witnesses at the station and know that the D.A. Team may want to interview the witness the appropriate LAPD investigators will make each witness available to the D.A. Team at the conclusion of the LAPD interview of the particular witnesses. If possible, an

LAPD investigator will brief the D.A. Team concerning the statement of the civilian witness made to LAPD investigators including whether the interviews were tape-recorded. This will be done to enable D.A. Personnel to decide whether to interview the civilian witness. (Every effort will be made to record interviews.) LAPD will attempt to provide the D.A. Team with an available room or office in which to conduct an interview of civilian witnesses. If no room is available, it will be the D.A. Team's responsibility to find an acceptable location for the interview.

C. The appropriate investigator will make every reasonable effort to keep the D.A. Team informed of the progress of the entire on-going investigation.

V. FOLLOW-UP INVESTIGATION

The results of any follow-up investigation by the LAPD or D.A.'s Office will be made available to the other agency as soon as it is practicable to do so or whenever such information is sought by the other.

VI. OFF-DUTY LAPD OFFICER-INVOLVED SHOOTINGS AND SHOOTINGS OUTSIDE OF THE CITY OF LOS ANGELES

A. If the shooting occurs within the LAPD's geographic jurisdiction, the shooting will be handled in accordance with these guidelines.

B. When the shooting occurs in Los Angeles County but within another law enforcement agency's geographic jurisdiction, to the extent that the shooting is investigated by LAPD, it will be handled in accordance with these guidelines. If the outside agency elects to conduct the investigation, it is understood that the presence of D.A. SID staff will be determined by that agency.

VII. SHOOTING INCIDENTS BY NON-LAPD POLICE OFFICERS WITHIN LAPD JURISDICTION

When a non-LAPD police officer is involved in a shooting incident within the City of Los Angeles and an LAPD officer is also involved in the shooting, the LAPD will notify the D.A.'s Command Post of the shooting as set forth in Part II of these guidelines.

If non-LAPD officers only are involved in a shooting incident within the City, notification of the D.A. SID Team will be in accordance with arrangements between the District Attorney's Office and the agency employing the involved officer.

Upon the arrival at the scene of the D.A. SID personnel, the appropriate LAPD investigator will confer with the Deputy District Attorney and District Attorney Investigator to determine the role of the D.A. SID Team.

APPROVED:

JOHN K. VAN DE KAMP
District Attorney

DARYL F. GATES
Chief of Police

APPENDIX C

CODING SHEET FOR DA CASE FILES

INCIDENT NUMBER

PD 424-121 (Rev. 1-75)

PCT. OF OCC.	DATE	COMMAND OR AGENCY

RANK					Disp.

RACE
1. white 3. hisp.
2. black 4. other

HOW CALL REC'D	TYPE OF INCIDENT
1-radio run 2-observation 3-directed by civilian 4-other	1-respond to disturbance 2-burglaries 3-robberies 4-attempting other arrests 5-civil disorders 6-handling prisoners 7-investigating suspicious persons 8-ambush 9-mentally deranged 10-traffic pursuits / auto stop 11-assault on cop 12-other

DUTY STATUS (M)	ASSIGNMENT (O)	TYPE OF DUTY (O)	OFFICER'S REASON WEAPON DISCHARGED (M)	OFFICER'S ACTION (M)
1 - on duty in uniform 2 - on duty in civilian 3 - off-duty	1 - RMP one man 2 - RMP two men 3 - on foot alone 4 - on foot partner 5 - scooter 6 - unmarked car one man 7 - unmarked car two men 8 - motorcycle 9 - other	1 - patrol 2 - anti-crime 3 - investigative 4 - undercover 5 - other	1 - protect yourself 2 - protect others 3 - prevent or terminate crime 4 - destroy animal 5 - suicide attempt 6 - accidental 7 - other	1 - approaching suspected vehicle 2 - searching crime scene 3 - issuing summons 4 - questioning suspect 5 - subduing prisoner 6 - attempting to resolve dispute 7 - attempting arrest 8 - other

PRIMARY OPPONENT'S WEAPON		OFFICER'S INJURY (M)
1 - handgun 2 - rifle 3 - shotgun 4 - cutting instrument describe 5 - vehicle 6 - hands, fists, feet, etc. 7 - other dangerous weapon describe	Caliber of opponent's gun — — — —	1 - none 2 - wounded 3 - killed 4 - unknown

OPPONENT'S ACTIONS	LOCATION OF OPPONENT'S WEAPON (O)	WHO FIRED FIRST SHOT	TYPE OF ASSAULT (M)
1 - fleeing 2 - hiding 3 - fighting 4 - other	1 - displayed 2 - concealed	1 - officer 2 - opponent	1 - shot - bullet hit 2 - stabbed or cut 3 - struck by object 4 - punched 5 - kicked 6 - bitten 7 - menaced 8 - other or attempts

NUMBER OF OPPONENTS _____ USE CODE FOR THE FOLLOWING: 1 - WHITE 2 - BLACK 3 - HISPANIC 4 - OTHER

SEX	RACE	AGE	HGT.	WGT.	ARRESTED	Inj.	P.D. Disciplinary Action

CHECK THE APPROPRIATE BOX WHEN ANSWERING THESE QUESTIONS YES NO

11. Was additional police assistance summoned before confrontation
12. Was primary opponent's weapon recovered
13. Was 2nd opponent's weapon recovered
14. Was 3rd opponent's weapon recovered
15. Was 4th opponent's weapon recovered
16. Was officer injured

18. Number of shots you fired that hit the intended target _____
19. Number of shots you fired double action _____

21. Distance between you and opponent when first shot was fired (in feet) _____
22. Number of police officers involved _____
23. Number of police officers involved who discharged their firearm _____
24. Number of police officers injured _____

C-1

REMARKS:

25. Did any bullet strike the target in the back? ___

26. Days to prosecutor notification ___ ___ ___

27. Days from incident to D.A. receiving final police report ___ ___ ___

28. Days from incident to prosecutor disposition ___ ___ ___

On-scene investigation and within 12 hours off-scene

29. Minutes to prosecution notification ___ ___ ___

30. Who was the Deputy D.A. on the case at the scene? ___

31. Who was the D.A. Investigator on the scene? ___

32. Minutes from arrival of D.D.A. or D.A. Investigator to the first briefing ___ ___ ___

33. Minutes from first briefing to walk-through ___ ___ ___

34. When the D.D.A. arrived, were police investigators still at the scene? ___

35. Were police witnesses still at the scene? ___

36. Were citizen witnesses still at the scene? ___

37. Was the scene completely vacant? ___

38. If the scene was vacant, did the D.A. staff proceed immediately to meet with or contact the police investigator? ___

39. Number of citizen witnesses interviewed by D.A. ___ ___

40. Number of police witnesses interviewed by D.A. ___ ___

41. Were witnesses available at the police investigation site? ___

42. Were the D.A. staff informed of names of all involved officers? ___

43. Were the D.A. staff informed of all names and addresses of all witnesses? ___

44. Were the D.A. staff taken on a walk-through? ___

45. Did the D.A. staff make suggestions to the Police Investigator? ___

46. If yes (to question 45), were suggestions followed? ___

On-scene police investigation

47. Number of citizen witnesses identified by police ___ ___ ___

48. Number of police witnesses identified by police ___ ___ ___

49. Were police interviews with citizen witnesses tape-recorded? ___

50. Were any or all of the officers' interviews tape-recorded? ___

51. Were the officers given Miranda rights? ___

Follow-up

52. Did the D.D.A. re-enact any aspect of the scene? ___

53. Were the D.A. staff eventually informed of names of all involved officers? ___

54. Were the D.A. staff eventually informed of all names and addresses of all witnesses? ___

55. How many citizen witnesses did the D.D.A. interview in the follow-up? ___ ___ ___

56. How many citizen witnesses did the D.D.A. interview totally? ___ ___ ___

57. Did the D.A. request a copy of police officer shooter statements? ___

58. Was the request for statements granted? ___

59. Did the D.A. request to interview the shooting officers? ___

60. Was the request for interviews granted? ___

61. Did the D.A. request to interview non-involved police officers? ___

62. Was the request for interviews granted? ___

63. If the request for interviews was denied did the D.A. go to the Grand Jury? ___

64. Did the D.A. note any inconsistency in police witness stories? ___

65. Were there witnesses who did not talk to police, but gave statements to the prosecutor? ___

66. Was the coroner's report in the D.A. file? ___

67. Was other direct medical evidence (for non-fatals) in the file? ___

68. Was an autopsy performed? ___

69. Was a D.A. staff member present at the autopsy? ___

70. Was the case filed for prosecution? ___

71. Was the decision letter sent to anyone besides the police agency? ___

72. Did any citizen request a D.A. review? ___

73. Was the decision reported in the L.A. Times? ___

74. Was the decision reported in the Herald Examiner? ___

75. Name of the citizen victim(s) _____

_____

_____

76. Date of D.A.'s decision letter ___ ___ ___

77. Was a public report issued (beyond a letter)? ___

78. Was the shooting a one-on-one shooting? ___

79. Was the shooting controversial? ___

80. Was the final police report reviewed by the D.D.A. before reaching a conclusion? ___

APPENDIX D

CODING SHEET FOR ROLLOUT OBSERVATIONS

Roll-out observations

On-scene or at the investigation site

1. Were police investigators keeping the D.A. team apprised of the progress of the investigation? ___

2. Did the police investigators summarize statements of the witnesses? ___

3. Did the Police investigators make witnesses available to the D.A. team as the police finished with each? ___

4. Did the police investigators volunteer information that might be helpful to resolution? ___

5. Were DA team members in a location near the shooting scene where they could clearly and easily observe the on-scene investigation? ___

6. Describe the location:

7. Did the police investigator change his story during the walk-through? ___

8. Was the D.A. team given names and addresses of police officers and witnesses in a timely fashion? ___

9. Was the D.A. team given a private room to conduct interviews? ___

10. Were the police investigators professionally cooperative with the D.A. team? ___

11. Did the police invite the D.A. team to their questioning of the witnesses? ___

12. Were the circumstances of the shooting related to the telephone notification? ___

13. Did the police make physical evidence available to the D.A. team for inspection? ___

14. Did the D.A. team take any photographs or measurements? ___

15. Did the police tell the D.A. team whether the citizen interviews were tape-recorded? ___

APPENDIX E

Impanelment of Additional Grand Jury

904.5 Drawing and impaneling of one additional grand jury. In any county whose population is more than 6,000,000, the presiding judge of the superior court, either upon application by the Attorney General or district attorney setting forth the need for one additional grand jury and after a finding by the court, for good cause shown, that the existing grand jury is unable for any reason to inquire into matters which are subject to grand jury inquiry or upon the motion of the court, may order and direct the drawing and impanelment at any time of one additional grand jury. Any such additional grand jury may serve for a period of one year from the date of impanelment, but may be discharged at any time within such period by order of the presiding judge.

Upon the impanelment of such additional grand jury and during the term of its existence, it shall have exclusive jurisdiction to inquire into public offenses. However, the original grand jury shall retain jurisdiction over those public offenses where inquiry has been initiated before the impanelment of such additional grand jury. Upon discharge of such additional grand jury, the original grand jury shall regain original jurisdiction to inquire into public offenses and complete all other grand jury responsibilities.--Amended, Stats. 1971, Chap. 1540.

APPENDIX F

Police Foundation Questionnaire for Operation Rollout

Thank you for your time in completing this questionnaire. We have tried to keep the questions as simple as possible in order to minimize the burdens on your department. If you have already prepared internal reports or memoranda containing the same information on some or all of the questions, please feel free to enclose them in lieu of filling out the questionnaire. No matter how you respond, however, we would appreciate your providing the name of the person in charge of the response who can be contacted for any clarification that may be necessary.

Conversely, if you have any questions about how to fill out this form, please feel free to call collect to Lawrence Sherman, the Police Foundation's director of research, at 202-833-1460.

1. Name of Police Agency_____

2. Name and rank of person completing questionnaire_____
_____

3. Office telephone number of person completing questionnaire
213 _ _ _ - _ _ _ _

4. Please list the number of assaults on police officers in their line of duty that resulted in an injury, by month, as indicated below. Note: If monthly data are not available please report annual or quarterly totals instead.

	1977	1978	1979	1980
January	____	____	____	____
February	____	____	____	____
March	____	____	____	____
April	____	____	____	____
May	____	____	____	____
June	____	____	____	____
July	____	____	____	____
August	____	____	____	____
September	____	____	____	____
October	____	____	____	____
November	____	____	____	____
December	____	____	____	____

5. Please list the monthly number of citizens shot and wounded or killed by police officers in your department. Include all such events, whether or not they were intentional, accidental, on-duty, off-duty, or within or out of city limits

	1977	1978	1979	1980
January	____	____	____	____
February	____	____	____	____
March	____	____	____	____
April	____	____	____	____
May	____	____	____	____
June	____	____	____	____
July	____	____	____	____
August	____	____	____	____
September	____	____	____	____
October	____	____	____	____
November	____	____	____	____
December	____	____	____	____

6. Please list, by year, the number of officer-involved shootings that your department ruled to have been justifiable, unjustifiable, or some other category, by year, as indicated.

	Justifiable	Unjustifiable	Other (please specify____)
1977	_____	_____	_____
1978	_____	_____	_____
1979	_____	_____	_____
1980	_____	_____	_____

7. Please list the number of officers disciplined following a departmental ruling that the officer had unjustifiably used his weapon, by year.

	Fines, day without pay, suspension, dismissal	Reprimands only	Other
1977	_____	_____	_____
1978	_____	_____	_____
1979	_____	_____	_____
1980	_____	_____	_____

8. Please list the number of civilians who died as a result of police use of force other than firearms while in the custody of your department.

1977 _____
1978 _____
1979 _____
1980 _____

Please return your response directly to the Police Foundation in the enclosed pre-addressed, stamped envelope to:

Suite 400
1909 "K" Street, N.W.
Washington, D.C. 20006

APPENDIX G

RESPONSES FROM POLICE CHIEFS

County of Los Angeles
Office of the Sheriff
Hall of Justice
Los Angeles, California 90012

PETER J. PITCHESS, SHERIFF

February 26, 1981

Lawrence W. Sherman
Director of Research
Police Foundation
1909 K Street N.W., Suite 400
Washington, D.C. 20006

Regarding your questionnaire requesting information relative to the Los Angeles County District Attorney's Operation Rollout, please be advised that we will not supply the information called for.

We resent greatly the inference put forth by your questionnaire which tends to indicate that the existence of the Rollout Program should somehow have an impact on the frequency of officer-involved shootings. Such a premise is insulting in that it blatantly alleges that the shootings in past years occurred solely because there was an absence of a review procedure.

We have supported, and continue to support, the Rollout Program, and its singular most positive effect has been that it has resulted in a more timely rendering of decisions by the office of the District Attorney in officer-involved shooting situations.

Sincerely,

PETER J. PITCHESS
SHERIFF

CITY OF MONTEREY PARK

CALIFORNIA

February 23, 1981

Lawrence W. Sherman
Director of Research
Police Foundation
1909 "K" Street, Northwest, Suite 400
Washington, D.C. 20006

Dear Mr. Sherman:

Regarding your letter of February 18, 1981, our Department does not participate in the District Attorney's Rollout Program. I personally think that the program is an absolute waste of taxpayers money as well as being a duplication of investigative efforts. I am further sickened that the Police Foundation is spending even more money to evaluate this politically motivated fiasco.

I do not know whether you have the time and energy available to develop lengthy questionnaires in order to build data banks -- we do not! Even if the information you requested was available, I still would not respond to your questionnaire because of the wording and content of the questions.

It seems quite interesting to me that the Los Angeles County District Attorney's Office has finally become interested in assaults against Police Officers. I suspect that the gross unpopularity of their Rollout Program to investigate police shootings of criminals has something to do with this new concern. Perhaps one of the questions you should really be addressing is why does the Los Angeles District Attorney's Office have more personnel assigned to investigate police involved shootings than it does assigned to the Career Criminal Program.

320 WEST NEWMARK AVENUE · MONTEREY PARK, CALIFORNIA 91754 · 573-1211 · 283-6445

Incidentally, the California State Department of Justice has been maintaining accurate data for several years relative to assaults on Police Officers, well before the Los Angeles District Attorney's Office ever showed any interest in the subject. I would suggest that you can get whatever data you are seeking from them at a much reduced cost to you and the taxpayers.

It is my humble opinion that your questionnaire deserves a place at least equal to the Los Angeles District Attorney's Rollout Program -- and so I shall promptly place it in the trash can.

Sincerely,

Jon D. Elder

JON D. ELDER
CHIEF OF POLICE

JDE:sg