



Information Item

Date: July 13, 2011

To: Mayor and City Council

From: Timothy J. Jackman, Chief of Police

Subject: Results of the Police Department's Internal Review Following the Office of Independent Review's Report of the Oscar de la Torre Investigation

Introduction

In February 2011, the Office of Independent Review (OIR) submitted a [report](#) following their review of the spring 2010 investigation of Oscar de la Torre for failure to break up a fight between two minors. In addition to immediate implementation of the OIR's seven recommendations, I have taken additional steps to address the concerns surrounding the Santa Monica Police Department's handling of this investigation.

Discussion

The OIR report pointed out that the Police Department's investigation into Oscar de la Torre did not meet the standards of the police department, the community or the law enforcement profession. Earlier this spring, I reported to the City Manager that we concurred with the OIR results, and we were making progress toward meeting the seven recommendations. However, I believed we needed to do even further internal analysis than that recommended by the OIR.

Members of our community have been understandably upset by the de la Torre investigation and its aftermath. We are striving to ensure that the future investigation of *any* member of the community is done in a way that reflects the highest standards of our profession.

Also, I want to reiterate that I have accepted full responsibility for the investigation. For those seeking to hold someone accountable the responsibility is mine alone. To discharge this responsibility, I have ensured implementation of the OIR recommendations. Additionally, I have directed an internal review of the Department much broader than the review conducted by the OIR. In conducting this review, we discovered that our internal systems and processes for handling high profile investigations were flawed. We learned that issues relating to oversight, experience, training, staffing, personnel qualifications, report writing and other factors all played a role in the de la Torre matter and all needed to be addressed:

1. A second sergeant has been assigned to the Audit and Inspection Unit to work alongside the current sergeant. Establishing a two-investigator team will provide additional perspective (“a second set of eyes”) and increased expertise in the investigation of criminal cases. This team will collaborate on investigative strategies, all interviews, and the completion of reports associated with the case;
2. The Chief of Police has and will continue to discuss with the City Manager, and other officials as needed, i.e., the City Attorney, allegations of criminal activity against high ranking City employees or public officials. Following those discussions, the Chief of Police may request an outside agency conduct the investigation, for example if the circumstances seem to indicate a conflict of interest;
3. Supervisory oversight has been increased. On all criminal investigations, the Audit and Inspection Unit investigators will report to the Lieutenant in charge of the Criminal Investigations Division (CID), whose responsibility it is to oversee all criminal cases, including those presented to a prosecutor for filing consideration. The CID Lieutenant will be responsible to monitor the investigation, ensure all available witnesses and evidence are examined and documented, that the reports adequately reflect an objective investigation, and sign off on them. In high

profile cases, the Chief and Deputy Chief of Police will also sign off on the final reports. The CID Lieutenant and the Audit and Inspection Unit investigators will report directly to the Deputy Chief of Police on all cases involving allegations of criminal activity on the part of City employees or public officials;

4. In the event there is a legal question on a case being investigated by the Audit and Inspection Unit, the investigative team will consult with the City Attorney's Criminal Division, or with the Los Angeles District Attorney's office, for legal guidance;
5. The Audit and Inspection Unit will utilize the standardized, chronological format of police reporting on all future criminal investigations.
6. All reports completed by the Audit and Inspection Unit pertaining to confidential criminal investigations will be submitted for review and final approval through the CID Lieutenant to the Deputy Chief of Police at the completion of the investigation. This will ensure two layers of executive oversight on all reports completed as part of a confidential investigation of a City employee or public official;
7. The OIR recommendation that all police personnel who conduct criminal investigations attend interview and interrogation training is underway. The department's internal review showed that at times assignment specific training may lag following an officer's assignment to a specialized assignment. The Deputy Chief of Police is in the process of evaluating the training needs of all specialized assignments, including the Audit and Inspection Unit, to ensure personnel attend training specific to their specialized duties prior to or as soon as practicable upon assignment;

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