

**LOS ANGELES POLICE COMMISSION**

*Review of the  
Gang Enforcement Detail  
Work Product Audit  
First Quarter  
Fiscal Year 2003/2004*



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

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## OFFICE OF THE INSPECTOR GENERAL

### REVIEW OF THE GANG ENFORCEMENT DETAIL WORK PRODUCT AUDIT FIRST QUARTER – FISCAL YEAR 2003/2004

#### I. BACKGROUND

Consent Decree paragraph 131 requires that the Los Angeles Police Department (LAPD), specifically Detective Support Division, now known as Special Operations Support Division (SOSD), conduct periodic audits of the work product of personnel assigned to units that are primarily responsible for monitoring or reducing gang activity. However, due to SOSD's prior audits being problematic, the Chief of Police assigned audit responsibility of the Gang Enforcement Detail Work Product (GED WP) to Audit Division.

Paragraph 131 requires the Department to conduct periodic audits of the work product of all gang units covered by paragraph 106, to include:

- a) An audit of a random sample of the work product of the units as a whole, and an audit of the work of any individual officers whose work product merits further review;
- b) An audit of compliance with the gang unit selection criteria;<sup>1</sup>
- c) An audit of the types set forth in paragraph 128 of warrant applications and affidavits, Arrest, Booking, and Charging reports, Use of Force reports, motor vehicle and pedestrian stops<sup>2</sup>, and confidential informant control packages;
- d) The use of confidential informants by gang unit officers; and
- e) An audit of the roles and conduct of supervisors of these units.

The scope of Audit Division's audit included a review of a random sample of all work product completed by the four<sup>3</sup> randomly selected GEDs (Northeast, Harbor, Wilshire, and Devonshire) for one specific period in order to meet the requirements of paragraph 131(a) (d) and (e), as well as the requirements of paragraph 128, excluding motor vehicle and pedestrian stops (Field Data Reports).<sup>4</sup> The objectives established included an evaluation for Completeness, Authenticity, Underlying Actions and Supervisory Oversight.

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<sup>1</sup> Audit Division will conduct an independent audit of paragraph 131(b).

<sup>2</sup> This audit did not address Field Data Reports (FDR) required of officers when conducting a motor vehicle or pedestrian stop. A separate audit will be conducted to address FDRs.

<sup>3</sup> Operations-Valley Bureau was initially randomly selected as part of the GED WP review, however it was determined that the unit functioned only as an administrative unit and did not complete any "work product" reports.

<sup>4</sup> Audit Division will evaluate the work product of at least four of the remaining GEDs on a quarterly basis until all units have been audited once during the year. Audit Division further plans to include the work product of the Community Law Enforcement Program (CLEAR) and the Gang Impact Team (GIT) officers in future gang unit work product audits. Audit Division found instances in which GIT foot beat officers and CLEAR officers wrote arrest reports stating they were working for Special Enforcement Unit (SEU) or GED.

## **II. PURPOSE**

Pursuant to Consent Decree paragraph 135, the Office of the Inspector General (OIG) is required to review the Department's audits for quality, completeness, and findings. The OIG received the GED WP Audit report on October 8, 2003, within one week as specified by paragraph 135. Although, the OIG recognizes that its review of the GED WP Audit is non-compliant as it relates to timeliness, the OIG is submitting its findings with the intent to identify any deficiencies within Audit Division's audit report and/or working documents as well as the WP of the four GEDs reviewed.

## **III. METHODOLOGY**

The OIG's evaluation included a review of Audit Division's GED WP Audit Report signed by the Chief of Police on September 29, 2003, the related audit work plan, crib sheet, as well as 56 randomly selected audit matrices detailing the "work product"<sup>5</sup> completed by the four GEDs between June 1 and June 30, 2003. The OIG also reviewed the two Search Warrants noted by Audit Division as well as the Report of the Independent Monitor for the Quarter Ending December 31, 2003 issued February 17, 2004. Due to the timeliness of this report, the OIG did not review the use of force investigations nor did it verify that only two uses of force by GED officers assigned to the four Areas reviewed had in fact taken place for the period audited.

The OIG concurs with the Independent Monitor's recommendation that the next Consent Decree paragraph 128 audit include a separate strata (random sample) of GED use of force reports and motor vehicle and pedestrian stops and that the audit comment on the gang unit issues relative to such incidents.

## **IV. SUMMARY OF FINDINGS**

### **General Findings**

- The OIG concurs with Audit Division's determination to evaluate all WP of selected GED Units each quarter. By evaluating the WP of a selected GED Unit, the OIG believes a more thorough review is conducted and further provides a better assessment of each specific Unit's WP, which can also help analyze and identify any trends and/or patterns of individual or partner officers.
- The OIG concurs with the Independent Monitor that Audit Division's audit plan, matrix and crib sheet were appropriate to guide the audit process. The OIG found,

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<sup>5</sup> For the purpose of this audit, work product refers to five primary reports (Arrest, Booking, and Charging Reports, Use of Force Reports, Search Warrants, Confidential Informant Packages and Field Data Reports).

however that in several instances Audit Division did not follow its crib sheet instructions when responding to the matrix questions.

- The OIG also noted that Audit Division did not properly follow-up on responses that specifically indicated a project manager comment was required. For example, the Arrest Report for Booking No. 7729697 includes a printed name in the “Supervisor Approving Report” box, which is in violation of Department policy.<sup>6</sup>
- Based on a review of its sample population for an indication that an informant was used, the OIG concurs with Audit Division determination that the WP did not identify any evidence that GED personnel utilized confidential informants.

The OIG concurs with Audit Division’s conclusion that the GED WP did not meet the requirements of Consent Decree paragraph 131(a) in that some significant issues were identified that related to the completeness of the reports and deviation from Department policy and procedure. The OIG identified the following as it relates to the objectives established by Audit Division:

### **Objective 1 - Completeness**

Completeness was determined by ensuring that the Department’s record retention system permitted a review of all documents associated with the GED WP that were either clearly required by existing Department procedure or necessary for a basic legal review of the WP.

The OIG identified the following anomaly(s) with Audit Division’s findings relating to the Completeness objective:

#### Northeast Area

*Booking No. 7734929* – The OIG does not concur with Audit Division that the arrest package was not complete because it was missing a Domestic Violence Supplemental form. This particular form was not required for this incident in that it involved a violation of a restraining order.

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<sup>6</sup> Through its review of the Arrest, Booking, and Charging Reports (ABC) by Special Enforcement Units (SEU), the OIG noted that the sergeant, whose name is printed on this specific Arrest Report, also printed his/her name on reports reviewed for the ABC-SEU audit. The OIG sent correspondence on August 28, 2003, to the Commanding Officer, Northeast Area, to address this issue. On September 22, 2003, the Commanding Officer responded that the sergeant was reminded of the requirement to sign (cursive) his name whenever his signature is required. Of note, the arrest reports reviewed for this audit involved a period prior to the OIG’s correspondence.

## **Objective 2 – Authenticity**

Authenticity was not met if the WP reports contained wording that lacked originality resulting in boilerplate, rubberstamped, or canned language, significant conflicting elements that would call into question the authenticity of the report; lack of articulation of the legal basis for each action taken or lack thereof; indications that reporting personnel wrote the name in the supervising approving box, lack of a magistrate's signature on a search warrant and failure to complete a pursuit report when such actions were articulated in the report.

The OIG identified two arrests reports that failed to meet the criteria, as follows:

### Harbor Area

*Booking Nos. 7722257 and 7722454 (Multi-arrest)* – In this incident the driver (Booking No. 7722257) was on formal probation for Penal Code, Health & Safety Code § 11352. This suspect possessed concealed burglar tools on his person (a bent screwdriver and a porcelain chip). The suspect was arrested for Penal Code Section 466, Possession of Burglary Tools. The OIG found that removing the screwdriver during a pat-down search is perfectly reasonable, however, the Arrest Report, as written, lacked the legal basis for extending the pat-down search of this suspect to finding a porcelain chip.

Furthermore, the other suspect (Booking No. 7722454), on probation for Penal Code Section 459, was arrested for being “possibly in violation of his probation due to his presence in the vehicle with two other persons who were on probation,” and due to his original violation of Burglary and the presence of burglary tools in the vehicle that he was in. The suspect also made a statement to one of the officers that “led us to believe he would be in violation of his probation...” The OIG is concerned that there appears to be a lack of probable cause in the initial arrest of this suspect. The Arrest Report does not articulate the conditions of probation. Furthermore, the reasoning given by the officers that the suspect was with others on probation seems meaningless, and that there was burglar tools in the vehicle with the suspect is misleading. The burglar tools were concealed in the driver's pants pocket and in no way inputted to this suspect's knowledge. The statements made by this suspect, who was not admonished, also appear to be meaningless. The suspect stated that he was “messaging up at home and got kicked out a couple weeks ago. I have been staying at any friends house that I could stay at.” Absent particular knowledge of his conditions of probation, the reasons noted above do not provide sufficient basis for a reasonable person to form the opinion that the suspect was in violation of his probation. The OIG believes the seizure of this suspect for transportation to the police station does not appear legal. This appears to be a situation where a suspect is “taken downtown” for further investigation without the requisite probable cause for the seizure. This incident involves a lack of supervisory oversight at the scene as well as supervisory review of post incident report.

The OIG does not concur with Audit Division's finding as it relates to the arrest report noted below:

Northeast Area

*Booking No. 7739725* – Audit Division indicated that a search was not conducted of the suspect; however, the Booking Approval does indicate that a strip search was conducted for weapons. The Booking Approval does not indicate who conducted the search.

The OIG did not identify any WP that contained canned language. Furthermore, no issues were identified related to the search warrants.

**Objective 3 - Underlying Actions**

The review for this objective ensured that proper completion and/or documentation of various Department requirements, to include documentation of *Miranda* advisement for all juvenile arrestees, documentation of the required telephone calls for juvenile detainees, initiation of a UOF investigation, when appropriate; documentation that evidence (if any) was booked, or justification for not booking evidence, documentation of prior supervisory approval for the use of observation posts, etc. within the WP reports.

The OIG identified the following anomalies with Audit Division's findings relating to the Underlying Actions objective, Evidence Documentation:

Devonshire

*Booking No. 7740744* – The Property Report lists Item No. 4 as “6 paper (Misc. DMV forms and printout for vehicles),” while the Property Receipt lists “7 paper...” Item No. 7 is listed as “3 engine hoist,” while the Property Receipt does not enumerate the amount.

*Booking No. 7728446* – Audit Division incorrectly indicated that there was no documentation in the arrest report that the arrestee discarded any evidence. The OIG disagrees and believes that the officers did articulate that the arrestee discarded evidence. The OIG however did not identify any issues with this arrest.

**Objective No. 4 – Supervisory Oversight**

To evaluate this objective, GED WP was evaluated for evidence of supervisory oversight on various reports to include, arrest reports, booking approvals, correct documentation of *Miranda* responses, initiation of a use of force investigation when articulated in the WP, etc.

The OIG's identified a few instances in which supervisory oversight of various reports was lacking, which is evident by the reports identified with anomalies in this audit report (Booking Nos. 7722257, 7722454, 7739725, 7740744, 7728446 and 7729566).

## **Other Related Matters**

### Harbor Area

*Booking No. 7729566* – The Arrest Report does not articulate the legal basis to seize the suspect's baseball cap. The suspect was wanted on a No-Bail warrant due to a probation violation. The suspect was taken into custody at his residence. The officers conducted a probation search and seized the baseball cap from a closet that the suspect used to keep his personal possessions. The report indicates the officers "recovered a blue and black baseball cap with NC (North Carolina) stitched on. On the inside of the front of the cap "ESW" (East Side Wilmas) was written in pen." The cap was booked as evidence. The Arrest Report fails to document the justification for seizing the cap and further does not document the underlying probation offense and/or conditions.

The OIG concurs with Audit Division's findings that the Department is not compliant with the requirements of Consent Decree paragraph 131(a). Only 61% of the GED WP reports evaluated by Audit Division met the standard with all four objectives. The OIG's review identified the same anomalies noted by Audit Division. The OIG further identified a few reports, not identified by Audit Division, in which the articulation of the legal basis to detain and arrest individuals and/or search and seizure did not meet the standards for each objective.

The OIG concurs with the Independent Monitor that the audit report was well written and included recommendations that will ensure critical information is captured by Department personnel, which in turn will facilitate future audits to determine compliance with the Consent Decree.

The OIG concurs with Audit Division's recommendations. Furthermore, the Department published Special Order No. 7, 2004, which established the Gang Impact Teams (GITS) for Department-wide implementation; revised and expanded supervisory responsibilities as they relate to Gang Enforcement Details (GEDs) and Community Law Enforcement and Recovery (CLEAR) units; revised and expanded crime suppression strategies for GED/CLEAR units; and clarified the process for GED/CLEAR selections and extensions.