

LOS ANGELES POLICE COMMISSION

***REVIEW OF AUDIT DIVISION'S
GANG ENFORCEMENT DETAIL
WORK PRODUCT ASSESSMENT
SUMMARY***



Conducted by

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December 28, 2006

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF AUDIT DIVISION'S
GANG ENFORCEMENT DETAIL WORK PRODUCT ASSESSMENT SUMMARY**

PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed Audit Division's Gang Enforcement Detail (GED) Work Product (WP) Assessment Summary. The Assessment Summary was completed during the first quarter of Fiscal Year 2006/2007 and received by the OIG on October 2, 2006. The OIG reviewed the Assessment Summary's completeness, findings, and quality.

BACKGROUND ON AUDIT DIVISION'S ASSESSMENT SUMMARY

Audit Division conducted the GED WP Assessment Summary to adhere to the mandates of Consent Decree Paragraphs 128 and 131 (f and g). Audit Division compiled all GED findings from 27 audit reports into a data sheet that identified the officers who completed work products with findings and the supervisors who reviewed and approved those work products.¹ Over 400 findings were entered into the data sheet. Each finding was then analyzed and classified into a category of "High Risk," "Moderate Risk," or "Low Risk."² Using a criteria of one or more "High Risk" finding(s), three or more "Moderate Risk" findings, or ten or more "Low Risk" findings, Audit Division identified officers and supervisors whose work products would be further reviewed during a GED WP Phase II Assessment. The Phase II Assessment will attempt to identify officers and supervisors with "at-risk" patterns.³ As a result of the analysis, Audit Division identified a combined total of 52 officers and supervisors whose work products will be further assessed in the GED WP Phase II Assessment.⁴

Additionally, Audit Division reviewed the Bureau Gang Coordinator (BGC) Inspections issued from January through June 2006 and identified testwork similar to those utilized by Audit Division during its Consent Decree Paragraph 128 audits and CAPA audits. Audit Division presented a comparison of the compliance rates between the BGC Inspections and its audits but was unable to determine the causes of the variances in compliance rates without a detailed review of the BGC work papers. The differences in audit and inspection standards, scopes, timeframes, and the use of unaudited third party data limited Audit Division's ability to do a constructive comparison.

Greater detail on Audit Division's methodology and findings can be found in Audit Division's Summary Report.

¹ The 27 audit reports consisted of ten Consent Decree Paragraph 128 audits conducted in Fiscal Years 2004/2005 and 2005/2006 and 17 Command Accountability Performance Audits (CAPAs) with reports issued from March 2005 through September 2006.

² Audit Division classified the audit findings through workgroup discussions consisting of Audit Division management and several auditors.

³ The GED WP Phase II Assessment is scheduled for completion in the third quarter of Fiscal Year 2006/2007.

⁴ Audit Division issued an amended report dated November 14, 2006, which changed the total number of officers identified for the GED WP Phase II Assessment from 50 to 52.

REVIEW METHODOLOGY

The OIG assessed the completeness, findings, and quality of the GED Assessment Summary by reviewing the final report and supporting work papers which included electronic spreadsheets and the 27 audit reports. Since the data compiled by Audit Division during this assessment will be used for all future GED WP Assessments, the OIG opted to conduct an extensive review of all 27 audit reports to ensure the data entry was accurate, all relevant findings were included, and all classified findings were reasonable.⁵

With regard to the BGC Inspections, the OIG's review was limited to verifying the figures reported by Audit Division since no conclusions were drawn from the comparison.

Audit Division was provided a draft of this report on December 21, 2006, however, due to other pending projects, Audit Division was unable to meet with the OIG to formally discuss the results of this review. However, Audit Division indicated appropriate action would be taken to address the OIG's findings.

REVIEW RESULTS

COMPLETENESS

To assess the Audit's completeness, the OIG reviewed Audit Division's GED WP Assessment Summary Report to ensure applicable Consent Decree mandates were addressed.

Per the Los Angeles Police Department's (LAPD or Department) Annual Audit Plan (Fiscal Year 2005/2006), the GED WP Assessment Summary was to assess Consent Decree Paragraphs 128 and 131 (f and g).⁶ The OIG determined that the GED WP Assessment Summary Report partially addressed the mandate of Consent Decree Paragraph 131 (f), but their Phase II Assessment more fully examines the relationships of particular officers working together or under particular supervisors. The Summary Report also does not address Consent Decree Paragraph 131 (g) since no conclusions were drawn regarding the adherence of the GED to the law, LAPD policies and procedures, and the Consent Decree, and recommending a course of action to correct any deficiencies identified. Audit Division is scheduled to complete a Phase II Assessment in the third quarter of Fiscal Year 2006/2007, and the OIG will make a conclusion as to whether these mandates were addressed at that time. The Phase II Assessment Summary will

⁵ The OIG's assessment of accuracy of the serial numbers captured by Audit Division's data sheet was limited to reconciling identified booking numbers with the Integrated Crime and Arrest Records System.

⁶ Consent Decree Paragraph 131 (f and g) mandates the LAPD to conduct periodic audits of the work product of all LAPD units covered by Paragraph 106 (currently known as GED). These audits are conducted by Audit Division. Each audit must: f) ...examine the relationships of particular officers working together or under particular supervisors in such incidents to determine whether additional investigation is needed to identify at-risk practices; and g) the audit shall draw conclusions regarding the adherence of the unit to the law, LAPD policies and procedures, and this Agreement [the Consent Decree], and shall recommend a course of action to correct any deficiencies found.

evaluate additional work products of officers and supervisors who met the risk criteria established by Audit Division during this Assessment Summary. In addition to the testwork Audit Division will conduct during the Phase II Assessment, the OIG suggests the Phase II Assessment include a recap of GED Consent Decree compliance percentages identified in the various Consent Decree Paragraph 128 audits. This will provide the readers with a perspective of overall adherence to the Consent Decree and Department policy by GEDs. Currently, no other audits provide this type of overview.

QUALITY

The OIG commends Audit Division for the extensive work performed to compile and classify all of the GED findings from the 27 audit reports. To assess the quality of the Assessment Summary, the OIG reviewed the reasonableness of classified audit findings compiled from the 27 audit reports (i.e., "Low Risk," "Moderate Risk," or "High Risk") and the accuracy and consistency of the data captured by Audit Division's final data sheet.⁷

Reasonableness of the Audit Finding's Classification

For the most part, the OIG concurred with the risk classification of the compiled audit findings with the exception of one finding from the Motor Vehicle and Pedestrian Stops Data Collection Audit Report, classified as "Low Risk" by Audit Division. The OIG believes the significance of this finding should have elevated the classification of the finding to at least "Moderate Risk." Specifically, the Audit identified three Field Data Reports (FDR) that had an inconsistency related to the reason for the stop (curfew violation) because the apparent age range marked on the FDRs indicates that the officers' believed they were over 18 years old (the "18-25 years" box was marked by the officers).⁸

Accuracy and Consistency of the Data

The OIG noted some administrative inconsistencies and data entry errors with the compiled data from the 27 audit reports. The OIG identified the following significant discrepancies discussed below.⁹

- Two findings from the Warrant Application and Supporting Affidavits Fiscal Year 2004/2005 Audit related to a supervisor not providing an analysis of the service of the warrant within seven days were classified inconsistently as "Moderate Risk" for one finding

⁷ Audit Division defined "High Risk" as incidents of non-compliance that would expose the Department and the City to adverse public criticism and/or liability, "Medium Risk" as incidents of non-compliance that would result in inefficient operations or substandard service to the public, and "Low Risk" as incidents of non-compliance for which there was a disregard of an administrative procedure or authoritative standard.

⁸ By definition, curfew stops are for subjects who appear to be under 18 years of age.

⁹ Significant discrepancies were defined as inconsistencies and errors that affected or could possibly affect whether or not an officer or supervisor would be included for the GED WP Phase II Assessment. A list of discrepancies that did not affect the GED WP Phase II Assessment population was also provided to Audit Division for appropriate action.

and "High Risk" for the other. This resulted in one supervisor being included in the GED WP Phase II Assessment for meeting the one or more "High Risk" finding criteria.¹⁰

- The Southwest Area CAPA identified five findings related to a strip search where the justification for the strip search was listed as "felony" or "felony arrest," which is prohibited by Department policy.¹¹ One of the findings was inconsistently classified as "High Risk" and the remaining four were classified as "Moderate Risk." As a result, one officer was identified for the GED WP Phase II Assessment for meeting the one or more "High Risk" finding criteria.
- The Pacific Area CAPA identified two similar findings related to an officer inconsistently documenting the names of suspects in the arrest report narrative. Audit Division held each finding out for *Adequacy of the Investigation and Administrative Policy/Procedure*; however, these findings were inconsistently classified as "Low Risk," "Low Risk," "Moderate Risk," and "High Risk" in Audit Division's data sheet. Additionally, a different reporting officer's serial number was entered into Audit Division's data sheet, which resulted in the incorrect officer being included in the GED WP Phase II Assessment for meeting the one or more "High Risk" criteria.
- Two findings classified as "Moderate Risk" from Southwest Area CAPA captured the wrong supervisor serial number. Had the correct supervisor serial number been identified, the supervisor would have been identified for the GED WP Phase II Assessment since he/she would have met the three or more "Moderate Risk" finding criteria.
- One finding from the Wilshire Area CAPA (this finding related to a lack of articulation for the legal basis of an arrest) was entered twice into Audit Division's data sheet. This caused the reviewing supervisor to meet the criteria of three or more "Moderate Risk" findings, which resulted in his/her inclusion in the GED WP Phase II Assessment. Additionally, the data sheet listed an incorrect reporting officer serial number and excluded the partner officer's information.
- Findings from the 17 CAPAs related to a supervisor not completing an annual performance evaluation were captured in Audit Division's data sheet for Hollywood, Newton, and Wilshire Areas, but were not captured for 77th Street, Central, Harbor, Pacific, Rampart, Southwest Areas, and Operations-South Bureau. Had Audit Division included the findings from these geographical Areas and this Bureau, a supervisor from Harbor Area would have met the criteria of ten or more "Low Risk" finding criteria. It is unknown whether the other

¹⁰ After researching the matter, Audit Division indicated the inconsistency resulted from a data entry error (which listed the incorrect geographical Area and serial number) and both findings should have been classified as "High Risk."

¹¹ An Office of the Chief of Police Notice dated December 31, 2002 *Change in Department Policy Regarding Felony Booking Searches* notified all Department employees that a blanket policy of strip searching felony arrestees was against current case law.

supervisors would have met the ten or more "Low Risk" finding criteria for a GED WP Phase II Assessment.

It was noted during the review of the work papers that Audit Division's data sheet did not correlate the GED findings entered into the data sheet to a corresponding report number (e.g., Booking Number, Citation Number, Warrant Number, etc.) making it difficult to trace a finding back to a specific document. This may have caused some of the data entry discrepancies discussed above. The OIG suggests that going forward, Audit Division include the corresponding report number in the data sheet.

FINDINGS

Given that the data entered into Audit Division's data sheet will be used as the basis for all future GED WP Assessments, the OIG reviewed all findings related to GED from the 27 audit reports and compared them to Audit Division's data sheet to ensure all relevant GED audit findings were accounted for. The OIG identified the following findings that were omitted from Audit Division's final data sheet.

- The Arrest, Booking, and Charging Reports Fiscal Year 2005/2006 Audit identified a finding related to an insufficient articulation of reasonable suspicion to detain an arrestee, which ultimately culminated in an arrest for possession of a weapon. The case was rejected by the Office of the District Attorney due to a lack of probable cause to arrest. The OIG believes this finding should have been included in Audit Division's data sheet and classified as "High Risk."¹²
- The Non-Categorical Use of Force Investigations Fiscal Year 2005/2006 Audit identified two findings related to conflicting information in the investigation. For one of the findings, the audit report indicated that the Level II investigation should have been elevated to a Level I investigation due to the conflicting information. The OIG believes these finding should have been included in Audit Division's data sheet and classified as "Moderate Risk."¹²
- The Warrant Applications and Supporting Affidavits Fiscal Year 2005/2006 Audit identified two warrant packages that did not meet the seven-day requirement for a manager to conduct an analysis of the warrant service.¹² Audit Division identified two similar findings during the prior Warrant Applications and Supporting Affidavits audit and included those findings in the data sheet; however, the findings were inconsistently classified as "High Risk" and "Moderate Risk."

¹² The finding was initially identified by Audit Division in a preliminary worksheet; however, it was inadvertently omitted from the final data sheet and was not reported on.

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- The Harbor Area CAPA identified findings related to the Juvenile Arrest Report lacking indication that the juvenile arrestee was admonished of his/her right to make a telephone call. A total of five findings of this type were inadvertently omitted from Audit Division's data sheet. Audit Division classified this type of finding as "Moderate Risk."¹³
- Two findings from the West Los Angeles Area CAPA related to inconsistencies identified in the arrest report that were not included by Audit Division because the GED officers were on loan to an outside division when the arrests were made. Given that the officers were still assigned to the GED, the OIG does not concur with this rationale and believes the officers should have been added to the data sheet.
- The Warrant Application and Supporting Affidavits Fiscal Year 2004/2005 Audit identified two findings regarding pages of the affidavit that were missing the initials of the reviewing supervisor. The OIG noted that similar findings identified by Audit Division during the Fiscal Year 2005/2006 audit were entered into the data sheet and the findings were classified as "Moderate Risk." Additionally, three findings from the audit related to the affiant's name not being documented in the second area of the warrant application were not included in Audit Division's data sheet. Again, their Fiscal Year 2005/2006 audit identified similar findings that were entered into Audit Division's data sheet and the findings were classified as "Low Risk." The OIG believes the findings from the Fiscal Year 2004/2005 should have also been included in Audit Division's data sheet for consistency.
- Two findings from the Southwest Area CAPA related to the Detective Case Envelope missing a copy of the Los Angeles County District Attorney Charge Evaluation Worksheet (this worksheet documents the reason why a case was rejected) were not included in by Audit Division's data sheet. The OIG noted that Audit Division's data sheet captured similar findings identified during the Rampart Area CAPA and classified this type of finding as "Low Risk." The OIG believes the findings from the Southwest Area CAPA should have also been included in Audit Division's data sheet for consistency.

Regarding the BGC Inspections, the OIG verified the reported figures in the GED WP Assessment Summary and identified one discrepancy with the reported calculations. Audit Division's compliance rate for "Inspection 35 - Vehicle and Equipment Check-in" was stated as 82 percent; however, the correct figure was 72 percent. As stated earlier, no conclusions were drawn from the comparison of BGC Inspection compliance rates and Audit Division's compliance rates.

¹³ Additionally, three findings that were inadvertently included in Audit Division's data sheet were identified. A review of the associated juvenile arrest reports showed that procedures were followed and the juvenile arrestee was admonished of his/her right to make a telephone call. Audit Division has since removed the associated officer serial numbers from their data sheet.

CONCLUSION

The OIG commends Audit Division for the extensive work conducted to compile all the GED findings from the 27 audit reports into a manageable data sheet. The OIG withholds a conclusion for the completeness of GED WP Assessment Summary pending completion of the GED WP Phase II review since Phase I partially addressed Consent Decree Paragraph 131 (f and g). As previously stated, the Phase II Assessment Summary will evaluate additional work products of officers and supervisors who met the risk criteria established by Audit Division during this Assessment Summary. In addition, for the Phase II Assessment, the OIG suggests that a recap of GED Consent Decree compliance percentages by the various Consent Decree Paragraph 128 audits be included. Although the OIG identified some inconsistencies and errors with the data compiled by Audit Division and identified additional GED findings that should have been captured by Audit Division's final data sheet, this was a difficult and voluminous assessment to perform and the OIG believes it was conducted in a quality manner.