

LOS ANGELES POLICE COMMISSION

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



Conducted by

OFFICE OF THE INSPECTOR GENERAL

ANDRÉ BIROTTE, JR.
Inspector General

March 30, 2004

**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF
GANG ENFORCEMENT DETAIL
WORK PRODUCT AUDIT
SECOND QUARTER, FISCAL YEAR 2003/04
CONDUCTED BY AUDIT DIVISION**

I. BACKGROUND

Consent Decree (CD) paragraph (¶) 131 requires that the Los Angeles Police Department (LAPD),¹ conduct periodic audits of the work product² of personnel assigned to units that are primarily responsible for monitoring or reducing gang activity. Audit Division focused its review on the mandates of ¶ 131(a), which includes a review of the work product of individual officers as well as the unit as a whole. The audit objectives for the review of the Gang Enforcement Detail (GED) Work Product (WP) were based on the mandates of CD ¶ 128 and risk management issues identified in the Rampart Board of Inquiry Report.

Paragraph 131 requires the Department to conduct periodic audits of the work product of all gang units covered by ¶ 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;³
- c) An audit of the types set forth in ¶ 128 of warrant applications and affidavits, arrest, booking, and charging reports, use of force reports, motor vehicle and pedestrian stops⁴, 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 from August 1, 2003 through August 31, 2003, by the five⁵ randomly selected GEDs (Central, North Hollywood, Pacific, Southwest and Operations-Central Bureau) in order to meet the requirements of ¶ 131(a) (d) and (e), as well as the requirements of ¶ 128, excluding motor vehicle and pedestrian stops (Field Data Reports). The objectives established included an evaluation for Completeness, Authenticity, Underlying Actions and Supervisory Oversight.

¹ Specifically, Detective Support Division, now known as Special Operations Support Division (SOSD). However, due to SOSD's prior audits being problematic, the Chief of Police assigned audit responsibility of the GED WP to Audit Division

² "Work Product" refers to packages for arrest, booking and charging reports, use of force reports, search warrants, probable cause arrest (Ramey) warrants and confidential informants.

³ Audit Division will conduct an independent audit of ¶ 131(b).

⁴ This audit did not include an evaluation of Field Data Reports (FDR) because Audit Division believed that the Department had not had the opportunity to implement the recommendations made in the Department-wide Motor Vehicle and Pedestrian Stop Data Collection audit, which was completed on August 20, 2003. Audit Division will include an evaluation of FDRs in its fourth quarter GED WP audit.

⁵ Operations-Central Bureau was deselected as part of the GED WP review, because during the period audit it functioned only as an administrative unit and did not complete any "work product" reports.

II. PURPOSE

As required by CD ¶135, the Office of the Inspector General (OIG) evaluated the quality, completeness, and findings of the Department's audit of WP authored by GED personnel. The audit report was signed by the Chief of Police on December 26, 2003, and received by the OIG on January 6, 2004, beyond the one week established by the CD. The Department, therefore, did not comply with the provisions of ¶ 135 of the CD, which mandate that the OIG be provided with copies of all reports of specified audits within one week of the completion thereof.

III. PRIOR AUDITS

This is the second CD related audit of GED WP conducted by Audit Division. The first audit examined reports generated during the month of June 2003 and as a result of that review, several recommendations were made. The following provides the status of each recommendation:

Recommendation No. 1

Planning and Research Division (PRD) revise the Booking Approval Form, Form 12.31.0. The form's revision should include a requirement that a justification for searches be documented in writing in the form's "Reason" section. Additionally, the form should include an independent supervisory approval box in the search authorization section, to be completed by the watch commander approving the booking when a search is to be conducted.

Status

Per Audit Division, Special Order No. 49, 2003, revised the Booking Approval and further revised procedure requiring that the justification for searches be documented. The Booking Approval will be further revised to add an independent approval box in the "Search Authorization" Section.

The OIG noted that Special Order No. 49, 2003, does not revise the Booking Approval to address this recommendation. The OIG contacted PRD who indicated the revision to the Booking Approval is still in the research cycle (Project No. 03-424) and is not expected to be completed until June 2004. Therefore, the implementation of this recommendation is still pending.

Recommendation No. 2

PRD revise the Juvenile Arrest Report Form, Form 5.2.6. The form revision should include written verification that arrestees were advised of their rights regarding telephone calls. The revision should also include check boxes to identify those calls the juvenile refused.

Status

Per Audit Division, PRD is researching this recommendation. The OIG confirmed that PRD is researching the possible revision of the Juvenile Arrest Report and the procedure for the completion of the form.

Recommendation No. 3

All future WP audits include all LAPD personnel (officers, detectives, and supervisors) in assignments whose responsibility is to monitor or reduce gang activity including personnel assigned to Gang Impact Team (GIT) and Community Law Enforcement and Recovery (CLEAR) units.

Status

The OIG confirmed that this recommendation has been implemented. Audit Division revised the GED Audit Work Plan to include a review of all Area/Bureau GIT and CLEAR personnel assignments. Any personnel identified, as having the primary responsibility to monitor or reduce gang activity will be included in the WP review.

Recommendation No. 4

The Commanding Officer, Special Operations Bureau, consider requiring criteria for the selection of CLEAR and GIT personnel that is the same as the criteria for the selection of GED personnel.

Status

Audit Division indicated that PRD is developing the criteria for the selection of CLEAR, GIT, and GED personnel and will be established through a Special Order. The Special Order is expected to be published by February 2004.

The OIG confirmed that Special Order No. 7, 2004, established GITs for Department-wide implementation; revised and expanded supervisory responsibilities as they related to GEDs, and CLEAR units; revised and expanded crime suppression strategies for GED/CLEAR units; and clarified the process for GED/CLEAR selections and extensions.

IV. OVERVIEW OF THE DEPARTMENT'S AUDIT

The Department's audit focused on CD requirement set forth in ¶¶ 128, and 131(a), (d), and (e). The audit examined the work product authored by GED personnel (officers, detectives, and supervisors) assigned to Central, North Hollywood, Pacific, and Southwest Areas for the period between August 1 through 31, 2003.

The work product was evaluated using four objectives: completeness; authenticity; underlying actions; and supervisory oversight. Audit Division identified three Non-Categorical Uses of Force (NCUOF) incidents involving GED personnel. Audit Division did not evaluate the NCUOF investigations because they were not available for review since they had not completed the use of force review process.⁶ Audit Division determined compliance with the performance objectives when at least 95 percent of all WPs met the standards established for each objective.

V. METHODOLOGY

The OIG's audit sample consisted of 55 arrest reports out of the 102 arrest reports evaluated by Audit Division, as well as their working papers, to include the audit plan, matrix, and crib sheet.⁷ The OIG further reviewed the four Search Warrant Applications and Affidavits, as well as the two Probable Cause Arrests (Ramey) Warrants identified by Audit Division.⁸ The OIG requested a separate query from Information Technology Division of the Consolidated Analysis Database, in attempts to verify completeness of the WP prepared by GED personnel.⁹

VI. FINDING

General Findings

- As noted in its review of Audit Division's GED WP Audit, 1st Quarter, Fiscal Year 2003-2004, the OIG concurs with Audit Division's intention to evaluate all WP of selected GED Units each quarter. The OIG believes that by evaluating the WP of a selected unit, a more thorough and comprehensive review will be conducted that will

⁶ At the time of its review, the OIG determined that the NCUOF investigations had been completed and were available for review. The OIG obtained copies of the investigations and incorporated them into the NCUOF audit population currently being conducted by the OIG to comply with ¶ 136. The findings of the NCUOF incidents by GED personnel will be reported in that audit, and will address gang issues, if any.

⁷ This figure includes five additional matrices that involved a multiple arrest.

⁸ The OIG did not request a separate log from the Areas, but only reviewed the Search Warrant Tracking Logs provided by Audit Division to ensure it had identified all search and Ramey warrants.

⁹ As did Audit Division, the OIG utilized the official time books and the roster of GED personnel maintained by SOSD, in attempts to verify GED personnel. However, as noted in the OIG's Review of the SEU Selection Criteria Audit dated December 16, 2003, it is difficult to verify the accuracy of GED personnel due to the limitations of SOSD's internal tracking system of GED personnel and to non-compliance by Department personnel in completing the Transfer and/or Paygrade Form, Form 1.40, whenever an officer is assigned to a GED.

provide a better assessment of each specific Unit's WP, and will further assist in analyzing and identifying any trends and/or patterns by individual or partner officers.

- The OIG believes that Audit Division's audit plan, matrix and crib sheet were appropriate to guide the audit process. However, the OIG identified a few instances in which Audit Division responded incorrectly to the question(s). For example, a response indicated evidence was appropriately booked when in fact no evidence was seized, etc. (See Appendix A, Administrative Issues, for detailed findings). Of note, the anomalies did not change the validity of the reports or the ultimate conclusion made by Audit Division.
- Audit Division properly followed-up on issues that required corrective action by the Department. The OIG determined that Southwest and Pacific Areas have not yet responded to Audit Division's correspondence to indicate what corrective action was taken, if any.
- Based on a review of its sample population for an indication that an informant was used, the OIG concurs with Audit Division's determination that the WP did not identify any evidence that GED personnel utilized confidential informants.

The OIG identified the following as it relates to the objectives established by Audit Division:

1. *Completeness*

Audit Division determined completeness by the mere inclusion of the necessary documents in the arrest package. Work Product was considered incomplete if documentation could not be located and caused the product to be held out of compliance. Errors or omissions on the individual documents did not cause the arrest package to fall out of compliance.

Based on a review of its sample population, the OIG concurs with Audit Division's finding the Department out of compliance with this objective (See Appendix B, Completeness Issues). The OIG also identified several arrest packages that had missing documents, i.e., Property Receipt, Property Report, City Attorney Disclosure Form, Booking Approval, etc.

2. *Authenticity*

Audit Division evaluated each WP for canned language, inconsistent information, lack of articulation of legal basis, and other indicia that the information contained in the WP was not authentic or correct. Audit Division determined that 95% of the WP met the Authenticity Objective.

As did Audit Division, the OIG did not identify any WP that contained wording that lacked originality that resulted in boilerplate, rubberstamped, or canned language. Although not noted in its audit report, at least two arrest reports in the OIG's sample population were identified in Audit Division's working papers to contain an appropriate use of canned language. The OIG does not concur with this assessment in that it believes that the arrest reports do not contain canned language at all. The incidents involved a multi-arrest and provided one narrative documenting the individual action of each arrestee and the legal basis for the arrest.

Based on a review of its sample population, the OIG concurs with Audit Division that the GED WP routinely articulated all aspects of a legal detention, arrest, search and/or seizure of evidence. Audit Division appropriately identified a report that failed to articulate a lawful detention and search and properly addressed this anomaly.

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, documentation of the required telephone calls for juvenile detainees, initiation of a use of force investigation, 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 concurs with Audit Division that the two most common issues identified in the WP were a lack of documentation of Miranda Admonition responses (particularly "Do you want to talk about what happened?") and the failure to issue a Property Receipt to each arrestee, mainly when the arrest involved narcotics (Department Manual Sections 4/210.10 and 5/10.10). The OIG did not identify any violations of Miranda.

The OIG identified the following anomalies relating to this objective that were not identified by Audit Division:

Search Warrants

- **Control No. SW-3-27 (Search Warrant #49267)** – The Return to Search Warrant was returned and "file stamped" within the 10 day limit, however, it was not signed by the "affiant," swearing that the detailed account of all the property taken is true. Although, the Return to Search Warrant is signed by the magistrate, it is important for court purposes that Department employees sign indicating that all property

seized was pursuant to the search warrant and to Penal Code Sections 1528 and 1536.

- **Control No. SW-3-17 (Search Warrant #49231)** – The Return to Search Warrant was not reported to the court within 10 days after the issuance of the warrant as required by Department Manual Section 4/540.90.

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.

Based on a review of its sample population, the OIG concurs with Audit Division that several arrest packages contained sufficient issues that should have been identified and corrected during the supervisory review. As did Audit Division, the OIG identified several responses that contained inadequate documentation of Miranda admonition and reports that were not completed fully or Property Receipts were not issued to each arrestee. There was at least one Arrest Report narrative, booking section that did not contain the name and serial number of the supervisor providing booking approval. A few Arrest Report packages also included evidence that was booked that was not mentioned anywhere in the Arrest Report narrative (Control No. SW 3-17, Booking No. 7793488).

Patterns of Conduct

Based on a review of its audit population, Audit Division identified the need to conduct a supplemental audit associated with detentions and arrests to identify any potential patterns of conduct by officers. The OIG confirmed that a supplemental audit is being conducted and the findings will be provided to the OIG as soon as they are available.

6. *Other Related Matters*

The issues noted in this section relate to insufficient or ineffective documentation of several Department processes, as follows:

Detention Log Documentation

Based on a review of its sample population, the OIG concurs with Audit Division's conclusion that the Southwest Area's Detention Logs contained the most significant documentation errors and that they used obsolete detention logs, including the Juvenile Secure and Non-Secure Detention Logs. Audit Division

appropriately followed-up on this issue and prepared correspondence to the Commanding Officer, Operations-South Bureau, for appropriate action.

Booking Search Documentation

Audit Division reviewed the Booking Approvals and revealed that about one-half of the forms documented a search documentation without the reason for the search, the approval or disapproval of the search, the result of the search, the searching person's information and the Approving Supervisor's Signature. The OIG concurs with this assessment based on its review, which identified 19 of the 50 Booking Approvals that did not contain complete documentation of the search as noted by Audit Division.

Juvenile Arrest Report Continuation Forms

Audit Division reviewed the Juvenile Arrest Report Continuation forms to determine if parental notifications and mandatory calls were properly documented. Audit Division determined that five (56%) of the nine reports did not document that the juvenile received the mandatory telephone calls and two reports did not document if parental notification was made. The OIG's sample population included five juvenile arrest reports, one (20%) of which did not document if a parent and/or guardian received notification and if the juvenile received the mandatory telephone call.

Release from Custody Continuation Reports

The OIG concurs with Audit Division's recommendation that since it appears that Department personnel are not consistently completing the Release from Custody Continuation Reports as required by Department procedure, the matter be re-evaluated by the Department, PRD, to determine whether the procedure should be revised.

VII. POST-AUDIT MEETING WITH AUDIT DIVISION

The OIG conducted a telephonic post audit meeting with Audit Division on March 17, 2003, to discuss the OIG's findings. The issue involving the inaccurate completion of the matrices will be addressed by Audit Division through training. Audit Division concurred with the OIG's findings.

\\ This Section Intentionally Left Blank \\

(Continue on Next Page)

VIII. CONCLUSION

Audit Division conducted a complete and well-designed audit that examined all procedural compliance issues identified in CD ¶¶ 128 and 131. The GED WP was evaluated for completeness of the information contained and an authenticity review to include an examination for canned language, inconsistent information, lack of articulation of the legal basis for the applicable action or other indication that the information in the document is not authentic or correct. The audit also assessed whether the underlying action was appropriate, legal, and in conformance with Department procedures and an evaluation of supervisory oversight of the incident. Audit Division identified and properly followed-up on all issues that required immediate action by the Department. The OIG further found that the recommendations made by Audit Division are sound and will further ensure the Department moves closer to compliance with the mandates of the CD.

IX. RECOMMENDATIONS

The OIG concurs with Audit Division's recommendations pertaining to training for Area Records Units regarding Arrest Report documents; Command Officer training to subordinate supervisors emphasizing supervisory review of Arrest Report packages; training to supervisors regarding completion and approval of Booking Approval Forms, and Juvenile Continuation Forms; and that PRD evaluate the inconsistent practice of completing Release From Custody (RFC) Continuation forms and if the Department should continue to require a continuation report for all RFCs.

\\ This Section Intentionally Left Blank \\

(Continue on Next Page)

APPENDIX A
MINOR ADMINISTRATIVE ISSUES

AD CONTROL NUMBER	BOOKING/ RFC NUMBER	DISCREPANCY
P-14-5	031425399	Q23-Audit Division's responded that officer had legal basis to conduct a search. No search was documented in Arrest Report.
P-14-16	7789975	Q34- Audit Division indicates that the Property Report was required and not present, however a Property Report was not required because no evidence was seized.
P-14-17	7790128	Q14- Audit Division indicated that the booking section of the Arrest Report listed the same name of the person approving booking, but the serial number is different. The Booking Section listed the same name and serial number of the person approving booking. Q34- Audit Division indicates that the Property Report was required and not present, however a Property Report is not required because no evidence was seized.
P-14-43	7809463	Q14-Audit Division indicates that the Booking Section lists the same name and serial number of the person approving booking. The Booking Section lists the same name of the person approving the booking but does not include the serial number.
SW-3-3	355709	Q13-Audit Division indicates that the writing in the "Approving Watch Commander" of the Booking Approval Form does not appear to have been done by the officer writing the Arrest Report. No Booking Approval was required or part of the package (RFC).
SW-3-12	7789308	Q29-Audit Division indicates that the arrestee did not discard any evidence. Arrestee discarded evidence onto the ground.

APPENDIX A
MINOR ADMINISTRATIVE ISSUES (Continued)

AD CONTROL NUMBER	BOOKING/ RFC NUMBER	DISCREPANCY
SW-3-17	7793488	Q14-Audit Division indicates the Booking Section of the Arrest Report lists the same name and serial number of the person approving the report. It listed the same name of the person approving the report but did not include a serial number.
SW-3-37	7811143	Q19-Audit Division indicates that <u>Miranda</u> responses were documented in the narrative of the Arrest Report. <u>Miranda</u> responses were documented on the Juvenile Arrest Report.
SW-3-38	7811269	Q36-Audit Division indicates that the "10.10" box on the Arrest Report was marked, however it was not marked on the Arrest Report, but rather on the Property Report.
SW-3-40	7811514	Q32-Audit Division indicates that the Arrest Report reflects all items of evidence seized were subsequently booked. There was no evidence or property seized or recovered.
SW-3-62	7821710	Q32-Audit Division indicates that the Arrest Report did not reflect all items of evidence seized. All evidence that was seized was appropriately listed on the Combined Evidence Section of the Arrest Report.