

**LOS ANGELES POLICE COMMISSION**

*REVIEW OF THE DEPARTMENT'S  
GANG ENFORCEMENT DETAIL  
WORK PRODUCT ASSESSMENT  
SUMMARY, PHASE II,  
FISCAL YEAR 2007/2008*



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF THE DEPARTMENT'S  
GANG ENFORCEMENT DETAIL WORK PRODUCT ASSESSMENT SUMMARY,  
PHASE II, FISCAL YEAR 2007/2008**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Department's Gang Enforcement Detail (GED) Work Product Assessment Summary, Phase II (Assessment). The Assessment was completed during the fourth quarter of Fiscal Year 2006/2007 and the related report was received by the OIG on July 2, 2007. The OIG reviewed the Assessment's methodology, findings, and quality.

**BACKGROUND ON THE DEPARTMENT'S ASSESSMENT**

Pursuant to Consent Decree Paragraph 131 (f) and (g), Audit Division (AD) completed an Assessment that contained a sample of the GED "work product." Consent Decree Paragraph (f) and (g) mandates that the Los Angeles Police Department (LAPD or Department) conduct periodic audits<sup>1</sup> 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 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 (§131(f)); and draw conclusions regarding the adherence of the unit to the law, LAPD policies and procedures, and the Consent Decree, and shall recommend a course of action to correct any deficiencies found (§131(g)).

The Assessment was conducted by AD in two phases. Phase I compiled findings from 427 incidents from 27 audit reports consisting of Consent Decree Paragraph 128 audits and Command Accountability Performance Audits (CAPAs) that were completed during Fiscal Years 2004/2005, 2005/2006 and 2006/2007. In Phase II, AD conducted a risk assessment of these incidents and evaluated the "work product" of 28 officers associated with the high-risk, non-compliant incidents. For each of these 28 officers, AD judgmentally<sup>2</sup> selected five arrests that the officer made from July through December of 2006. As some of the 28 officers made less than five arrests during this period, the total sample of arrests was 128.<sup>3</sup> Arrest report packages were selected for analysis because the majority of the high-risk, non-compliant incidents identified in Phase I were associated with arrest incidents.

In AD's review of these 128 arrest report packages, no patterns of at-risk practices were identified for any of the 28 officers. Regarding their assessment of compliance with the law and Department policies/procedures, the findings were consistent with the issues identified in the previous CAPAs and Arrest, Booking, and Charging Reports Audits.

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<sup>1</sup> The words "audit" and "assessment" are used interchangeably in Audit Division's Report and in this (the OIG's) report.

<sup>2</sup> Audit Division considered the arrest charge codes in selecting their judgmental samples. For example, if a prior audit indicated that a particular officer's Property Report had errors or omissions, AD considered arrest code charges likely to involve property (e.g., narcotics possession or sales).

<sup>3</sup> If each of the 28 officers had made five arrests, the sample would have been 140 (28x5).

The following table summarizes AD's reported findings based on their assessment of the 128 arrest report packages.

<b>Objective No.</b>	<b>Consent Decree Paragraph</b>	<b>Description</b>	<b>Number of Arrest Reports Compliant/ Tested</b>	<b>Compliance Percentage</b>
1	131(f)	No patterns and/or at-risk practices identified	128/128	100%
2a	131(g)	No legality concerns identified	127/128	99%
2b	131(g)	No completeness concerns identified	126/128	98%
2c	131(g)	No Miranda violations/concerns identified	114/128	89%
2d	131(g)	No supervisory oversight concerns identified	106/128	83%
2e	131(g)	No collection of evidence concerns identified	119/128	93%

Greater detail on AD's methodology and findings can be found in AD's Report.

### **FOCUS POINT**

In AD's Report, AD recognized that they needed to develop a better methodology to measure compliance with Consent Decree Paragraph 131 (f) and (g). Audit Division acknowledged that the GED database that AD established during the first GED Assessment had many limitations and weaknesses, and it was not an effective method to measure compliance with the Consent Decree. Since the issuance of AD's GED Assessment Summary, they have been in discussion with the Independent Monitor and the OIG to develop a better methodology to measure compliance for the next GED Work Product Assessment due in the first quarter of Fiscal Year 2007/2008.

The OIG agrees with AD's determination and this report discusses some of the limitations/weaknesses with AD's methodology used to complete their Assessment of GED Work Product.

### **REVIEW METHODOLOGY**

The OIG evaluated the methodology, findings, and quality of AD's Assessment by reviewing their final Report and supporting work papers, selecting and testing a small random sample of 14 arrest report packages,<sup>4</sup> for which the OIG received and reviewed the evaluation documents (matrices) completed by AD.

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<sup>4</sup> The sample size of 14 was based on a 95 percent one-tail confidence level, an expected error rate of six percent, and a plus-precision of ten percent.

## **REVIEW RESULTS**

### **METHODOLOGY**

As previously noted, 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). However, the OIG noted the following limitations/weaknesses with AD's methodology:

1. The word GED "unit" referred to in Consent Decree Paragraphs 106 and 131 could be interpreted to mean all GED officers working in a particular Area (e.g., Rampart), or all GED officers working in a particular Den (under one sergeant) in a particular Area. However, AD's Assessment did not focus on Areas or Dens, but on individual officers, some of which were identified in Department-wide audits.<sup>5</sup>
2. For the 28 GED officers involved in high-risk, non-compliant incidents, the only "work product" documents audited were their arrest report packages (maximum of five per officer). Other types of "work product" documents authored by the subject officers were not audited, including Daily Field Activity Reports, Field Data Reports, Employee Reports, Traffic Citations, Search Warrants, etc.
3. Audit Division's methodology did not include a review of GED officers' Training Evaluation and Management System II (TEAMS II)<sup>6</sup> records. The OIG believes that AD's methodology should include this because it represents other important indicia associated with at-risk behavior other than "work product."
4. Audit Division's Phase I Assessment included 27 audits, some performed as early as the quarter ending September 30, 2004, thus covering the officers' "work product" from as early as late-2003. In some cases, the high-risk, non-compliant incident occurred as much as three years before the arrest package tested in their Phase II Assessment (from July to December of 2006). Therefore, the time lag may be too long to effectively identify recurring patterns, and some officers had already transferred from the GED assignment and/or left the Department within that time period.
5. A judgmental sample of five arrest report packages per officer may not be large enough to detect any pattern of a particular at-risk behavior, as some of the arrest report packages may not include the behavior intended to be tested. For example, in one of the aforementioned 27 audits, AD may have identified that a particular officer did not ensure that an injured suspect received necessary medical treatment. However, it could be that some or all of the five arrest report packages selected and tested in the Phase II portion of the Assessment did not involve

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<sup>5</sup> Of the 27 audits used in Phase I, ten were Department-wide and 17 were CAPAs.

<sup>6</sup> TEAMS II was developed in response to the Consent Decree to be able to perform complex employee and organizational performance analysis, so as to help identify at-risk employees and organizations.

instances in which the suspect was injured or complained of an injury, so medical treatment was not applicable.

### **FINDINGS/QUALITY**

As previously stated, AD reported no findings pertaining to Objective 1 (Consent Decree ¶131 (f)), as AD detected no patterns of at-risk practices. Nevertheless, the OIG assessed the findings associated with Objective 2 (Consent Decree ¶131 (g)), for the 14 randomly selected arrest report packages. This test work was performed in order to provide assurance that AD adequately identified and reported significant issues. Based on the OIG's review, overall, AD presented the Objective 2 findings in a logical manner and the narrative of the report supported all these findings. Regarding the Objective 2 findings, AD's Report was well written and was complete, concise and accurate, with one exception: For Objective 2e (No collection of evidence concerns identified), AD erroneously overstated the compliance percentage by eight percentage points by not excluding "not applicable" answers in their compliance calculation. Audit Division's reported compliance percentage was 93 percent (119/128). However, 68 of the 128 arrests did not involve recovery of evidence and property from the arrestee. Thus, if these 68 "not applicable" answers were subtracted from the numerator and denominator, the correct compliance rate would have been 85 percent [(119-68)/128-68], which is eight percentage points less than that reported.<sup>7</sup>

### **CONCLUSION**

As noted by AD and the OIG, the methodology used to perform the GED Work Product Assessment Summary did not fully address the mandates of Consent Decree Paragraph 131 (f) and (g). The OIG is pleased that AD has developed a new methodology that will hopefully meet the specified requirements. The methodology concerns identified by the OIG in this report should also be considered in AD's current Assessment.

On September 12, 2007, the OIG met with AD management to discuss the results of this review, and they indicated general agreement with this review results and findings.

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<sup>7</sup> In comparison, Audit Division's Arrest, Booking, and Charging Reports Audit Report issued September 26, 2006 started with 221 arrest packages, then appropriately subtracted the 103 that did not involve the handling of evidence or property and another seven minor items to arrive at a denominator of 111 from which the compliance percentage was calculated. The resulting compliance percentage of 96 percent (107/111) was correctly calculated as four arrest packages had exceptions.