

LOS ANGELES POLICE COMMISSION

*Review of the SEU Selection
Criteria Audit*



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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Inspector General

December 16, 2003

OFFICE OF THE INSPECTOR GENERAL
REVIEW OF
THE SPECIAL ENFORCEMENT UNIT SELECTION CRITERIA AUDIT
PREPARED BY DETECTIVE SUPPORT DIVISION
LOS ANGELES POLICE DEPARTMENT

December 16, 2003

I. BACKGROUND

Consent Decree (CD) paragraph 131 (b) requires that the Los Angeles Police Department (LAPD) conduct regular and periodic audits assessing compliance with the selection criteria set forth in paragraphs 106 and 107. The audit evaluated CD paragraphs 106(b), (c) and (d), which requires that specific eligibility criteria for selection of non-supervisory and supervisory officers to Special Enforcement Units (SEU)¹ be met prior to assignment, and provides a time limitation to such an assignment. The audit further evaluated compliance with paragraph 107 (a) and (b), which requires a specific assessment of officers applying for an SEU assignment.

II. PURPOSE

As required by CD paragraph 135, the Office of the Inspector General (OIG) evaluated the LAPD's CD-mandated audit of SEU Selection Criteria for quality, completeness and findings. The audit was completed on April 8, 2003 by Detective Support Division and forwarded to Audit Division for review and evaluation. The Chief of Police subsequently signed the report on May 30, 2003. The OIG did not receive the audit report until June 12, 2003, which is beyond the one week time period by which the OIG is to be provided with reports of specified audits.

III. PRIOR AUDITS

This is the Department's first CD-related audit involving SEU selection criteria. In January 2001, DSD evaluated Department compliance with the provisions of Administrative Order (AO) No. 3, 2000, which established the SEU as a replacement for the Community Resources Against Street Hoodlums (CRASH) units as well as other specialized units, and the eligibility criteria for an SEU selection. That specific audit examined thirty-two selection packages of officer and supervisor selections to SEUs. The findings of that audit revealed that all of the thirty-two officers met the eligibility criteria for selection to an SEU and the selection of each was approved by the respective Bureau commanding officer prior to assignment. A recommendation was made for the Areas to maintain the selection packages of each officer assigned to an SEU separately in order to facilitate future audits. Furthermore, at the request of the Department, the Police Commission provided retroactive approval on September 17, 2002, for the distribution of

¹ The Department changed the name of Special Enforcement Units to Gang Enforcement Details (GED). For purposes of this review, SEU will be used in place of GED.

the “Interim Special Enforcement Unit Selection Procedure” to all Area commanding officers to standardize the SEU selection process to comply with CD paragraph 107(b).

IV. OVERVIEW OF THE DEPARTMENT AUDIT

The Department’s audit focused on CD requirements set forth in paragraph 106 (b) (c) (d) and paragraph 107 (a) and (b). The Methodologies to Aid in Determination of Consent Decree Compliance directed a sample of documentation for all “newly selected” Gang Unit personnel, however the time frames for newly selected personnel were not defined in the methodologies. Detective Support Division determined that as of March 31, 2002, 232 officers² had been selected and assigned to SEUs within the Areas since March 2000 when the SEUs were first established. Only 37 (16%) SEU personnel (32 officers and five supervisors) had been selected for assignment during 2002. Of the of 232 employees, 70(30%) had been selected into the SEUs under the stricter guidelines of the CD and the requirements of the Interim Selection Procedures. Detective Support Division elected to evaluate all 232 (209 officers and 23 supervisors) selection packages for compliance. The 70 selection packages were evaluated for compliance with both the mandates of the CD and Department policy and procedure, while some of the 162 selection packages that fell within the mandates of AO No. 3, 2000, were evaluated for compliance with that directive. The findings depicting the anomalies of each selection package were reported separately based upon the requirement at the time of assignment.

Detective Support Division reviewed the selection packages to ensure inclusion of the following documents:

- A Transfer Applicant Data Sheet, Form 15.88, or any type of written application such as an Employee’s Report, Form 15.7;
- Performance Evaluation Report, Form 1.78;
- Oral Interview Worksheet or any other documentation that an oral interview took place;
- Training, Evaluation and Management System (TEAMS) Report;
- Any documentation of supervisory review of sustained complaints or adverse judicial findings as delineated in Consent Decree paragraph 107;
- Documentation that adverse information was addressed; and,
- Any supervisor comments pertaining to the evaluation and selection process.

Detective Support Division determined that 70 of the selection packages lacked documentation, which would indicate if the specific requirements set forth in the CD and AO No. 3 were actually taken into account. Detective Support Division, therefore could not make a determination of whether the Areas complied with the mandates of the CD

² Detective Support Division created an SEU Personnel Tracking Form and requested each Area Commanding Officer complete and submit the form as new personnel were assigned to an SEU. The 232 figure represents known SEU personnel per DSD’s tracking system. Personnel Division’s Position Tracking System did not have accurate information on the number of officers assigned to an SEU (See, Findings section for further details).

and AO No. 3, 2000, regarding the eligibility criteria for selection to an SEU. Detective Support Division further concluded that a determination could not be made as to whether the 70 officers selected for an SEU assignment met the eligibility criteria. None of the documentation available denoted ineligibility of an officer although one supervisor previously assigned to 77th Street Area appeared not to have met the eligibility criteria.

The OIG determined that Detective Support Division did not follow-up on the deficiencies identified in the audit in a timely manner. Correspondence outlining the deficiencies was not forwarded to the bureaus until November 15, 2002. The correspondence directed the bureau commanding officers to take appropriate action regarding the findings and to respond to DSD by December 2, 2002, providing the corrective action taken. Although each bureau eventually responded to DSD's request and affirmed that corrective action had taken place, Operations-West Bureau did not respond until February 2003, and 77th Street Area (Operations South Bureau) did not respond until July 2003. This was done in response to the OIG independently checking for a response from 77th Street Area. Detective Support Division did not follow-up with 77th Street Area.

V. METHODOLOGY

The OIG reviewed the Department's audit report as well as its working papers and further interviewed DSD personnel to clarify any issues. By the Department's own admission, the audit report is non-compliant with the mandates of the CD regarding timeliness. The OIG concluded that the information provided was insufficient and outdated, therefore focused its review on determining whether the current SEU selection process is still non-compliant with the mandates of the CD and Department policy and procedure.

As part of the OIG's review, a TEAMS report was obtained and reviewed for each SEU officer identified in the Department's audit as not having a TEAMS report in their respective selection package. In addition, a current TEAMS report was obtained for one officer whose TEAMS report in his selection package was printed several months prior to his application to SEU.

In attempts to verify the accuracy of DSD's population, the OIG requested a printout from the DSD database listing all SEU personnel by Area and compared it with the roster provided by Personnel Division, Position Control, of all Sergeant I, Police Officer II, and Police Officer III position authorities for each Area for Deployment Period (DP) 7, 2003. On-site visits were also conducted by OIG personnel to one location in each bureau to ascertain if current SEU officers' selection packages included the required documentation. In addition, Foothill Area was visited to address issues related to a specific officer as noted below.

VI. FINDINGS

The OIG determined that the matrix used to evaluate compliance with the mandates of the CD sufficiently documented the requirements specific to supervisory and non-supervisory personnel within an SEU.

The OIG believes that the contact person interviewed by Detective Support Division regarding the eligibility selection packages of SEU personnel as well as the process for interviewing potential SEU candidates, was not always the most appropriate and/or qualified person. Frequently, the contact person was simply a person that was available to provide documentation. The contact persons included a clerk typist, several senior clerk typists, a management aide, management analysts, sergeants, detectives and lieutenants who more often than not were not able to provide necessary information to DSD or OIG personnel. To obtain the type of information DSD was seeking, the OIG believes the SEU supervisor should have been the reporting party. While one could argue that support personnel would have the most reliable information as to the retention of documentation, the SEU supervisor would know what took place during the oral interview process itself.

1. Completeness of Population

The OIG was unable to verify the accuracy of DSD's SEU population based on the following:

- Detective Support Division obtained its population of SEU personnel strictly from its internal Tracking System, which was generated from SEU Personnel Tracking forms that Areas are required to submit when an officer or supervisor is assigned to an SEU. Although the database maintained by DSD is the most accurate official record of officers assigned to SEUs, the OIG noted that the database includes officers no longer assigned to an SEU and many officers that are assigned to an SEU are not included in the database (See Appendix I for detailed findings.).
- The OIG attempted to verify the assignment of SEU personnel through Position Control Section however determined that its information was also inaccurate. The OIG concluded that Department personnel are not adhering to the requirements set forth in Human Resources Bureau (HRB) Notice dated June 8, 2000, which requires that the Transfer and/or Paygrade Form, Form 1.40, be completed and forwarded to Personnel Division, Position Control Section, for all personnel assigned to an SEU (fixed posts or harvested authorities). This Notice was issued to allow the Department to maintain control of tracking personnel assigned to an SEU and to facilitate adherence to the three-year limited tour requirement.

Recommendation:

It is recommended that the Department require each Area/bureau to adhere to the HRB Notice dated June 8, 2000, by properly completing all required documentation when an officer is assigned to an SEU and submitting the required documentation to Position Control Section for processing.

- As previously noted, relying on DSD's Tracking System was not sufficient to ensure that all SEU personnel were included in the audit population. The OIG determined that DSD did not contact the Areas for rosters of assigned SEU personnel and that Position Control Section did not have accurate information. (See Appendix II for detailed findings).

Note: It appears that there was some confusion by the DSD auditors on which officers should be included in the audit, which is evident by the fact that its detailed findings only pertain to police officers and sergeants. The Department Manual 3/105 defines "supervisor" as an employee engaged in field supervision or in general supervision of a section or unit. However, the Consent Decree Paragraph 37 considers a "supervisor" to mean any police officer with oversight responsibility for other officers and includes managers. Therefore, any sworn employee, including detectives and lieutenants, assigned to an SEU would be held to the same standard.

Recommendation:

It is recommended the Department direct Detective Support Division to cross-reference its database with Area deployment rosters to correct assignment discrepancies, and to conduct monthly audits to ensure the continuing integrity of the database.

2. Evaluation Criteria

The OIG identified the following issues and/or concerns with the Department's evaluation of SEU candidates relative to the eligibility criteria, as follows:

Complaints

- DSD interpreted Consent Decree Paragraph 107 (a) to include only sustained complaints as they relate to excessive force, a false arrest or charge, an improper search and seizure, sexual harassment, discrimination, or dishonesty, in determining whether consideration of these complaints are documented in writing in the selection package. The paragraph reads:

“The eligibility criteria for selection of an officer in these units shall require a positive evaluation of the officer based upon the officer's relevant and appropriate TEAMS II record. Supervisors shall be required to document in writing their consideration of *any* sustained Complaint Form 1.28 investigation, adverse judicial finding, *or* discipline for use of excessive force, a false arrest or charge, an improper search and seizure, sexual harassment, discrimination, or dishonesty in determining whether an officer shall be selected for the unit (emphasis added).”

The OIG takes a more expansive view and believes consideration of any sustained complaints and not just those specified after the conjunction “or.” The argument could be made that only those complaints delineated above would be subject to the supervisor’s written review if the complaint occurs during their tour of duty because Paragraph 107 (c) reads:

“Without limiting any other personnel authority available to the Department, during a supervisor’s or non-supervisory officer’s assignment tour in these units, **a sustained complaint or adverse judicial finding** for use of excessive force, a false arrest or charge, an unreasonable search or seizure, sexual harassment, discrimination, or dishonesty, shall result in the officer’s supervisor reviewing the incident and making a written determination as to whether the subject officer should remain in the unit (emphasis added).”

The OIG takes a more expansive view and believes that for risk management purposes, consideration of any sustained complaints is a more prudent course of action in considering an officer or supervisor to an SEU. While paragraph 107(a) describes certain types of complaint that shall be documented, there are other types of complaints that the OIG believes merit similar scrutiny. For example under paragraph 107(a), sustained allegations of false and misleading statements would not require documented consideration in the selection package, yet most would agree an allegation of that severity bears on dishonesty which is specifically mentioned in paragraph 107 (a). Further, one could argue that relatively minor misconduct, such as failure to appear in court may speak to the maturity level of an officer and warrant some consideration. As such, while not necessarily required under the Consent Decree, the Department may wish to consider whether all sustained complaints should be considered in writing prior to the approval of an officer or supervisor to an SEU. The OIG further believes that this same consideration should apply during an officer or supervisor’s tenure in an SEU.

Recommendation:

It is recommended that the Department consider whether *all* sustained complaints should be considered in writing prior to the approval of an officer or supervisor to an SEU.

Recommendation:

It is recommended that the Department consider requiring the written supervisory evaluation of complaints [while assigned to a gang unit] to be expanded to include sustained complaints of any nature.

Officer Eligibility

- Detective Services Division used the officer's written application as the sole basis to verify the years of experience on the Department as well as years of patrol/traffic experience. Administrative Order No.3, 2000, mandated that officers selected for assignment to an SEU shall have completed probation and have acquired three years as a police officer with the Department, two years (26 deployment periods) of which must have been in a patrol or traffic assignment. The OIG opines that DSD should have verified the years of experience through the TEAMS assignment history.
- In cases where there was little or no SEU selection documentation available, DSD used the Department roster to determine the date of hire, presumably to determine if the officer had three years as a police officer. By using the "date of hire", DSD took into account the six-month academy time when an officer is still considered a "recruit officer". The OIG believes that the Department needs to clarify if the six-month period should be considered when determining the three-year experience as a police officer required for an SEU assignment. The OIG believes that although the employee has full protection as a peace officer, he/she is still in a classroom learning environment and not actually gaining field experience, which appears to be the requirement for eligibility to an SEU assignment. Consequently, the OIG opines that using the date of hire from the Department roster does not provide the actual time as a "patrol/traffic" officer. The OIG further recommends that a determination be made by the Department on whether probationary patrol time counts toward mandated patrol experience in order to ensure consistency throughout the Areas. The Consent Decree requires two years patrol experience prior to selection to an SEU.
- The "date in" to an SEU recorded in DSD's Tracking System does not correspond with the "date in" recorded by Position Control Section (See Appendix II for detailed findings). This inconsistency could make it difficult to determine adherence to the Consent Decree-mandated time limits. The

OIG determined that DSD failed to identify and recommend corrective action to address this inconsistency.

Recommendation:

It is recommended that the Department ensure that consistent time frames are used when determining “patrol experience” and time as a “police officer” when evaluating an officer for assignment to an SEU. It is further recommended that the date used for “patrol experience” commence **after** the officer is out of the Police Academy and assigned to a patrol function.

Recommendation:

It is recommended that the Department require each Area/bureau to reconcile the “date in” to an SEU indicated in the DSD Tracking System with the records maintained by Position Control Section to accurately measure the employee’s limited tour of assignment.

Recommendation:

It is recommended that the Department ensure that all Areas use a standardize selection and approval process for an SEU assignment, to include official Department forms, and provide training to concerned supervisors to ensure conformity.

Review of TEAMS Report

- The OIG determined that DSD did not take the extra steps necessary to obtain and review TEAMS reports that were not included with the selection packages to ensure eligibility criteria to an SEU assignment was met. A requirement for selection to an SEU includes a supervisory review of a relevant TEAMS report, DSD found that many packages did not have a timely, if any, TEAMS report. This failure by DSD to take appropriate follow-up action allowed the continuation of the following two significant concerns:
- An officer was allowed to continue to work in an SEU with a sustained False and Misleading charge that occurred approximately three and one-half years prior to his assignment to SEU, that was not addressed. The Area should also have been aware of the existence of the complaint as it was initiated after the officer began his tour with the Area. The OIG believes that had DSD requested and reviewed TEAMS reports for the officers that did not have a TEAMS report in their selection package, they would have identified the problem and taken appropriate action at an earlier time. The complaint was not noted until the Area requested a three-month extension of the officer’s SEU term that the officer’s TEAMS report was reviewed. An extension was granted in spite of the sustained complaint. The officer has not received any subsequent complaints since the complaint was adjudicated several years ago.

Correspondence from the bureau dated November 25, 2002, indicated that a current TEAMS report was reviewed for the officer and that the officer, “had no complaints between October 1999 and May 2000 or at any time since then.” The bureau did not address the sustained complaint that had not previously been noted.

- A separate officer assigned to a gang detail was the subject of a sustained complaint for “cheating” on a detective’s test in 1998. The officer was allowed to remain in the unit after the complaint was sustained, and after the new procedures were implemented, without the complaint being addressed. The complaint was classified as unbecoming conduct; the officer was found Guilty at a Board of Rights hearing and was suspended for 22 days. Notably, when DSD conducted their audit there was no TEAMS report in the officer’s selection package. When the OIG conducted its review of the selection packages the TEAMS report was present, however the complaint section of the TEAMS report was not included in the package. The OIG believes the sustained complaint was never taken into consideration when evaluating the officer for an SEU assignment. This same officer has been promoted to Police Officer III and is still assigned to an SEU since January 2001.

Selection of Reserve Officers to SEUs

The OIG noted that Detective Support Division found that a reserve officer, 77th Street Area, was assigned to SEU without having a selection package on file. Detective Support Division requested that 77th Street Area provide a selection package for the officer in question. However, the OIG believes that DSD did not consider the issue of applicability of minimum time requirements as it relates to the reserve officer. By virtue of the fact that reserve officers are required to work a minimum of two days per deployment period, time “on the job” may not equate with three years of “full time” experience. The OIG believes, that while technically this officer has been with the Department since 1991, his/her limited number of actual working days (minimum of two days per DP) would not add up to three years of full-time experience. The mandated time limit was designed to ensure that officers have the skills required by an SEU. The reserve officer has been reassigned to DSD, Fugitives.

Recommendation:

It is recommended that the Department evaluate the eligibility requirements for SEUs as it relates to reserve officers to ensure compliance with the CD.

Eligibility Review

The OIG concurs with DSD’s recommendation that a Department-wide eligibility review of all currently assigned SEU personnel be conducted during the next rating period, which ends August 31st for police officers and December 31st for

sergeants. The OIG noted that the audit report was not released to the Areas until after August 25, 2003, therefore some of the police officer evaluations may have already been completed.

Recommendation:

It is recommended that the Department request all Area SEUs to conduct an eligibility review of all currently assigned SEU officers to ensure compliance with established eligibility criteria.

3. Other Findings

The OIG expanded its review to include (a) an evaluation of SEU officers' TEAMS reports not reviewed by DSD; (b) an evaluation of SEU selection packages at three selected Areas and one Bureau; (c) a review of date of assignments to an SEU to determine compliance with the 39-DP timeframe and to determine if requests for extension were completed, if needed; (d) an evaluation of breaks between SEU assignments; and (e) evaluation of Foothill Area's procedures for evaluating complaints identified involving candidates for an SEU assignment. Detective Support Division did not evaluate compliance with the areas noted above. The OIG identified the following:

a. Evaluation of TEAMS Report of SEU Officers not Reviewed by DSD

The OIG reviewed the complaint history for each officer whose TEAMS report was not reviewed by DSD and identified the following concerns involving recent complaints:

- Two SEU officers assigned to Hollywood Area were the subject of a complaint alleging that they were in plain clothes. Officers assigned to SEU are prohibited from being attired in anything except Class A or Class C uniforms without prior written approval³. The OIG contacted the Investigating Officer (Lieutenant) at Hollywood Area and confirmed that the incident did occur, however, it was under the direct supervision of a detective supervisor and occurred during the service of a search warrant on a murder suspect. The SEU officers in question were on long-term loan to the Homicide Table. The OIG noted that the issue was being appropriately addressed in the Letter of Transmittal of the complaint investigation.
- An SEU officer's TEAMS report noted 10 complaints that were initiated against the officer in less than a one-year period. The complaints were of a significant nature such as false imprisonment and unauthorized force and it does not appear that the supervisor

³ Administrative Order No. 3, 2000.

conducted an assessment of the officer for risk management purposes. As a result of this finding, the OIG referred the officer to the Risk Management Executive Committee (RMEC) for review. While acknowledging that there may not necessarily be a problem with this officer, the sheer number of complaints in such a short time warrants additional scrutiny.

Complaint Threshold TEAMS reports for three or more complaints within the last year were queried for all geographic Areas and bureaus. The following table reflects the results of the TEAMS report queries.

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THREE OR MORE COMPLAINTS WITHIN THE LAST YEAR					
Area/Bureau	# of Officers Assigned to SEUs (Excluding Detectives and Lieutenants)	Total # of Area Officers with Three or More Complaints	# of Area Officers Assigned to SEU with Three or More Complaints	% of Total Number of Area Officers with Three or More Complaints Assigned to SEU	% of SEU Officers with Three or More Complaints
OCB	8	0	0	0%	0.00%
Central	11	9	1	11%	11.11%
Hollenbeck	18	7	2	28.50%	11.76%
Newton*	17	8	4	50%** ⁴	23.53%
Northeast*	22	4	0	0%	0.00%
Rampart	20	15	3	20% ⁵	15.00%
Central Bureau	96	43	10	23.26%	10.99%
OVB	4	0	0	0%	0.00%
Devonshire*	8	7	0	0%	0.00%
Foothill*	18	9	1	11%	5.56%
No. Hollywood	11	6	0	0%	0.00%
Van Nuys	11	16	2	12.50%	18.18%
West Valley	12	6	0	0%	0.00%
Valley Bureau	64	44	3	6.82%	4.69%
OSB	14	1	0	0%	0.00%
77th Street	26	8	0	0%	0.00%
Harbor	12	2	0	0%	0.00%
Southeast	25	19	1	5.00%	4.17%
Southwest	27	11	1	9.00%	4.76%
South Bureau	104	41	2	4.88%	2.33%
OWB	5	0	0	0%	0.00%
Hollywood	16	19	3	15.70%	18.75%
Pacific*	14	7	0	0%	0.00%
West LA	11	10	0	0%	0.00%
Wilshire	13	23	2	0.08% ⁶	15.38%
West Bureau	59	59	5	11.86%	11.86%
Total Average	323	187	20	11.76%	7.33%

*Newton and Devonshire Areas CLEAR officers are not included in this total or in the complaint count. Northeast, Pacific and Foothill Areas CLEAR officers are included in this count as the Areas list these offices on their respective SEU roster.

** One officer is assigned to CLEAR and one officer is assigned to CCD. As noted above, Newton CLEAR officers were not on their SEU roster and are not included in the officer count. However, these two officers effectively increase the number of officers in specialized units with three or more complaints to 75% of Newton's total.

⁴ One SEU officer had 10 complaints; another one had five complaints.

⁵ One SEU officer had six complaints.

⁶ One SEU officer had five complaints.

b. Selection Package Review at Selected Areas/Bureau.

Office of the Inspector General personnel conducted an on-site evaluation of the SEU selection packages maintained at 77th Street, Pacific, and Newton Areas, as well as Operations-Valley Bureau (OVB). These entities were selected due to the high non-compliance rate noted by DSD. An on-site visit was also conducted at Foothill Area for the specific reason of reviewing SEU officers' complaint histories to ensure they were appropriately taken into account at the time of selection. Although the Areas⁷ and Bureau responded that many of the problems identified by DSD had been corrected, the OIG identified some deficiencies as indicated below (See Appendix IV for detailed findings):

- Detective Support Division noted in its audit that rating reports relevant to the time the employee was selected for an SEU assignment were missing. The audit notes that the Areas/Bureau indicated the deficiency had been rectified, when in fact it had not been. The OIG found that the selection packages reviewed included current rating reports, but in some instances the ratings that applied to the pre-selection period were still missing.
- Documentation that an oral interview had taken place was missing.
- The start dates indicated on the Area's SEU Tracking Form did not match the date entered in the DSD Tracking System.

77th Street Area

Initially, when the OIG attempted to review the selection packages, Area personnel were unable to locate the selection packages. Once it was determined where the packages were it was determined that the only person with a key was unavailable at that time. The OIG returned to conduct its review and identified the following issues:

- As previously noted in Section IV of this report, 77th Street Area failed to respond to DSD's request for corrective action in a timely manner. The follow-up conducted by OIG personnel prompted 77th Street Area to submit the required correspondence noting the corrective action taken on the issues identified by DSD. Although, the correspondence indicated that corrective action had been taken, the OIG determined that the discrepancies had in fact not been corrected.

⁷ Excluding Foothill Area.

- Detective Support Division noted that an Employee's Report, Form 15.7, was included in several selection packages and used by DSD as the written application. The OIG did not find a Form 15.7 in the selection package but instead found a written application that was completed for the officers. The OIG believes that since the Form 15.7 was originally used as the written application, it should have been retained in the package for purposes of continuity.

Foothill Area

The OIG conducted a site visit to Foothill Area because, as noted in the *Review of TEAMS Report* section of this report, a current SEU officer's complaint history, which included a sustained False and Misleading charge, was not considered as required by the CD. The OIG wanted to ensure that all of the Foothill SEU officers' complaint histories were appropriately considered as required by the CD. The OIG did not identify any issues involving complaints of misconduct with the other SEU officers' TEAMS reports and noted that the reports were appropriately taken into account.

c. Review Compliance with 39-DP Timeframe to an SEU Assignment and Completion of Requests for Extension

The OIG reviewed 77th Street, Pacific, Newton and Foothill Areas as well as OVB current SEU rosters to determine if any of the officers had exceeded the 39-DP timeframe, and if so, had an extension been requested and granted. Ideally, a similar review would have been conducted at each Area. However, limited resources precluded this review and it would more appropriately fall within the Department's next audit. The 39-DP timeframe allowed to an SEU assignment had expired for most officers assigned to an SEU during this audit period since most were presumably assigned after the implementation of AO No. 3, 2000. The OIG reviewed the selection packages to determine if any officers had exceeded the 39-DP timeframe and if so, had an approval for extension been requested and granted in each case. The OIG identified the following:

- Although Foothill Area had requested the time extension for all of the SEU officers that were due out of the SEU, none of the correspondence was readily available in the selection package for review. Foothill Area has corrected this discrepancy and the original request has been filed in the appropriate personnel selection package.
- With the exception of Pacific Area, Department personnel were complying with the time period requirement to obtain bureau approval

for a three-month extension for SEU officers prior to exceeding the 39 DPs.

The following table reflects the number of officers assigned to SEUs, the number of officers assigned over the 39-DP timeframe, and the number of officers with extension approval documentation.

Area of Assignment	Number of Officers Due to Rotate Out	Extension Requests on File
Operations Valley Bureau – 5	4	4
Pacific Area – 16	4	0
77 th Street Area – 26	6	6
Newton Area – 18	4	4
Foothill Area – 18	4	4

Recommendation:

It is recommended that the Department revise procedure requiring that a copy of an approved extension request be maintained with the employee selection package to facilitate future audits.

d. Evaluation of Breaks between SEU Assignments

An officer assigned to Newton SEU in DP 7, 2003, had been previously assigned to OCB SEU until the end of DP 4, 2003, which appeared to be a violation of the mandated 13-DP break requirement. According to OCB, the officer was loaned from Newton Area to the OCB SEU. When the field enforcement portion of OCB SEU was disbanded, the officer was scheduled to be assigned to Newton SEU. However, deployment needs required his placement in the field for a few months prior to his placement in Newton SEU. The OIG questions whether a transition from an OCB SEU to an OCB Area SEU is a violation of the mandated break period or simply a relocation of a position within the bureau. To further complicate matters, the officer was officially assigned to OCB SEU on a regular position authority and not as a loanee. This issue requires additional review by the Department to avoid future confusion.

Recommendation:

It is recommended that the Department clarify the parameters for the assignment of an officer to an SEU and the mandated break period and that the Department further determine if “loaned” time counts toward an SEU assignment requiring a 13-DP break before re-assignment.

VII. POST AUDIT MEETING WITH DSD

The OIG conducted a telephonic post audit meeting with DSD on August 19, 2003. Detective Support Division was apprised of the OIG findings and recommendations.

VIII. CONCLUSION

Overall, the OIG concurs with the Chief of Police in that there is little to be gained from additional scrutiny of the DSD audit. Audit Division personnel will be tasked with conducting SEU Eligibility Criteria audits and the OIG hopes the quality, completeness and findings of all future audits to be in compliance with the mandates of the Consent Decree.

As of the time of this review, the Department continues to be out of compliance with the procedures established by the CD and Department policy and procedure relative to the documentation of officer eligibility to an SEU assignment. The OIG believes it is imperative that the Department ensures that all of the officers, supervisory and non-supervisory, assigned to an SEU meet the established eligibility criteria and that the selection packages include all required documentation establishing eligibility.

The OIG opines that the Department is taking positive steps toward compliance with the mandates of CD Paragraphs 106 and 107. However, in addition to establishing directives documenting policy and procedures, follow-up measures to ensure compliance need to also be instituted. The OIG has recommended that the Department give consideration to establishing a Department-wide standardization of the selection and approval process for an SEU assignment.

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IX. RECOMMENDATIONS

- It is recommended that the Department require each Area/bureau to adhere to the HRB Notice dated June 8, 2000, by properly completing all required documentation when an officer is assigned to an SEU and submitting the required documentation to Position Control Section for processing.
- It is recommended the Department direct Detective Support Division to cross-reference its database with Area deployment rosters to correct assignment discrepancies, and to conduct monthly audits to ensure the continuing integrity of the database.
- It is recommended that the Department consider whether **all** sustained complaints should be considered in writing prior to the approval of an officer or supervisor to an SEU.
- It is recommended that the Department consider requiring the written supervisory evaluation of complaints [while assigned to a gang unit] to be expanded to include sustained complaints of any nature.
- It is recommended that the Department ensure that consistent time frames are used when determining “patrol experience” and time as a “police officer” when evaluating an officer for assignment to an SEU. It is further recommended that the date use “patrol experience” commence **after** the officer is out of the Police Academy and assigned to a patrol function.
- It is recommended that the Department require each Area/bureau to reconcile the “date in” to an SEU indicated in the DSD Tracking System with the records maintained by Position Control Section to accurately measure the employee’s limited tour assignment.
- It is recommended that the Department ensure that all Areas use a standardize selection and approval process for an SEU assignment to include official Department forms and provide training to concerned supervisors to ensure conformity.
- It is recommended that the Department evaluate the eligibility requirements for SEUs as it relates to reserve officers to ensure compliance with the CD.
- It is recommended that the Department request all Area SEUs to conduct an eligibility review of all currently assigned SEU officers to ensure compliance with established eligibility criteria.
- It is recommended that the Department revise procedure requiring that a copy of an approved extension request be maintained with the employee selection package to facilitate future audits.

IX. RECOMMENDATIONS (Cont.)

- It is recommended that the Department clarify the parameters for the assignment of an officer to an SEU and the mandated break period and that the Department further determine if “loaned” time counts toward an SEU assignment requiring a 13 DP break before re-assignment.

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X. ACTION TAKEN

Intradepartmental Correspondence was sent to the appropriate command to take appropriate action with specific arrest packages identified to be problematic. In cases where immediate action was required, the OIG requested a 30-day response from the Department identifying the type of action that will be taken.