

LOS ANGELES POLICE COMMISSION

*REVIEW OF THE DEPARTMENT'S
MOTOR VEHICLE AND
PEDESTRIAN STOPS DATA
COLLECTION AUDIT,
Fiscal Year 2006-2007*



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE DEPARTMENT'S
MOTOR VEHICLE AND PEDESTRIAN STOPS DATA COLLECTION AUDIT,
FISCAL YEAR 2006-2007**

PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Los Angeles Police Department's (Department or LAPD) Motor Vehicle and Pedestrian Stops Data Collection (STOPS) Audit. The Audit, conducted by Audit Division, was completed in the second quarter of Fiscal Year 2006-2007 and received by the OIG on December 29, 2006. This review assessed the completeness, findings, and quality of the Department's audit.

BACKGROUND ON FIELD DATA REPORTS AND THE DEPARTMENT'S AUDIT

The Department requires an officer to complete a Field Data Report (FDR) when the officer detains a driver, as well as any passenger who is required to exit the vehicle, and pedestrians with few exceptions.¹ An officer must also complete an FDR when they respond to a call for service and detain a suspect for a non-violent crime. Officers generally complete the FDR by accessing a Portable Officer Data Device System application via their handheld pocket/personal computer. The Portable Officer Data Device System is connected to a wireless Local Area Network, and once the required information is input into the pocket/personal computer, it is saved to the LAPD Portable Officer Data Device System intranet where it resides until it is approved by a supervisor or systematically kicked back to the originating officer for correction. Once a supervisor approves the applicable corrections and the FDRs, the Portable Officer Data Device System data is submitted to the STOP system.

The FDRs are completed to assess whether LAPD officers engage in any form of biased policing in order to assess the Los Angeles Police Department's (LAPD or Department) compliance with Consent Decree Paragraphs 104, 105, 128, and 131. While the data has been collected for several years, no conclusion regarding biased policing has been drawn from this data.² However, Audit Division, conducted the Audit to ensure that officers are continuing to prepare FDRs and that they are accurate and complete.

Audit Division selected a sample of 134 FDRs, 44 Daily Field Activities Reports (DFARs), and 100 complaint investigation files in order to evaluate the Department's compliance with the completeness and authenticity of FDRs and reported the compliance percentages in Table No. 1 (see next page).³ To identify its samples, Audit Division randomly selected FDRs from a Department-wide population of all FDRs completed and entered into the STOP system during an

¹ The completed FDR contains information regarding the names and serial number of officers conducting the stop, the demographics of the individuals who are stopped, the reason for the stop, searches conducted, search authority, seizures, and other actions taken.

² Analysis Group, Inc. completed an analysis of the data in 2006. They noted that certain minorities had a higher percentage of being searched during their stops than when Caucasians were stopped, but they were unable to make a formal conclusion of biased policing.

³ The DFAR is used by the officers to record the activities during their watch. The DFAR contains information regarding the officers' names and assignment, and it is a chronological log of their activities, individual encounters and documents issued during their watch.

entire deployment period.⁴ The FDRs were reviewed to determine whether they were complete, consistent with associated documents; and whether the related underlying actions were appropriate (e.g., the legal basis for actions taken by an officer). For the DFARs, Audit Division randomly selected one DFAR from a patrol unit and one DFAR from a gang unit (where applicable) from each of the 19 community police stations, four traffic divisions, Metropolitan Division, and Operations-South Bureau. The DFARs were examined to determine whether FDRs were completed when required and approved by a supervisor.⁵ Finally, Audit Division randomly selected complaint investigation files closed between January 1 and July 22, 2006. The complaint investigation files were reviewed for activities that would require the completion of an FDR and, where applicable, Audit Division determined whether an FDR was completed.

TABLE NO. 1 – COMPLIANCE PERCENTAGES REPORTED BY AUDIT DIVISION

Objective	CD¶	Description	Compliance Percentage		
			Non-GED	GED (CD ¶131)	Total
1. Completeness					
a.	104 & 105	FDRs Completed When Required	97%	100%	98%
b.		FDRs Administratively Complete	90%	93%	90%
c.		FDRs Up-loaded to STOP System	N/A	N/A	98%
2. Authenticity					
a.	128 & 131	FDRs Consistent with Associated Documents	93%	84% ⁶	91%
b.		Other Indicia of Inauthenticity or Incorrectness	98%	86%	96%
3. Underlying Actions					
	128	Officer’s Actions Were Legal	99%	100%	99%
4. Supervisory Oversight and Post Incident Review					
a.	128 & 131	FDRs Approved by Supervisor	N/A	N/A	93%
b.		On-Scene Supervision was Adequate	100%	100%	100%

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

FOCUS POINTS

The OIG commends Audit Division for its quality assessments of the applicable Consent Decree paragraph. Their Audit identified the following more significant concerns:

- Consent Decree Paragraphs 104 and 105 regarding Completion of FDRs – During the Audit’s fieldwork, Audit Division identified four FDRs selected that had incorrect FDR numbers referenced on the DFARs. We commend Audit Division in preparing an

⁴ Audit Division selected Deployment Period 7, 2006, which covered the period from June 25 through July 22, 2006, for their FDR sample selection.

⁵ Consent Decree Paragraphs 30 and 32 define the activities that require the completion of an FDR.

⁶ The significant decrease to 84 percent includes the errors reported for three of the GED FDRs that had incorrect numbers based on the OIG’s sample. If these three GED FDRs were removed, the compliance percentage would have been 91 percent. See the Quality section of this report for more details.

interdepartmental correspondence to notify the Commanding Officer of each community police station to resolve the problem of incorrect FDR numbers being referenced in the officers' DFARs.

- Consent Decree Paragraph 128 regarding Supervisory Oversight – During the Audit's fieldwork phase, Audit Division identified that 3,196 FDRs that were uploaded from the Portable Officer Data Device to the STOP system were not accounted for in the STOP system. This represents five percent of the total population of 64,135 FDRs. Audit Division has already started a supplemental audit to evaluate why they were not in the STOP system.

REVIEW METHODOLOGY

The OIG assessed the completeness, findings, and quality of Audit Division's Audit by reviewing the final Audit Report, Audit Work Plan, and Audit Division's Microsoft Access database (used to compile and analyze their audit results).⁷

On March 27, 2007, the OIG met with Audit Division management to discuss the results of this review. At that time, Audit Division management indicated they were in general agreement with this review's findings.

REVIEW RESULTS

COMPLETENESS

To assess the Audit's completeness, the OIG reviewed Audit Division's Audit Report and supporting workpapers to ensure all applicable Consent Decree mandates were addressed and Audit Division selected a sample from a complete population.

Consent Decree Mandates Addressed

The Department's Annual Audit Plan indicated that Audit Division was to evaluate the Department's compliance with Consent Decree Paragraphs 104; 105; 128; and 131 (a), (c), and (e). Consent Decree Paragraphs 104 and 105 specify the minimum required fields to be completed on an FDR for certain motor vehicle and pedestrian stops. Consent Decree Paragraph 128 requires the audit to review completeness, authenticity, underlying actions (e.g., legality of actions taken by the officer) and supervisory oversight of the motor vehicle and pedestrian stops Department-wide; and Consent Decree Paragraph 131 (a), (c), and (e) requires a similar type of review for Gang Enforcement Details (GED).

The OIG determined that the Audit sufficiently met the requirements specified in Consent Decree Paragraphs 128 and 131 (c) and adequately evaluated the auditable documentation requirements specified in Consent Decree Paragraphs 104 and 105. However, given the scope of

⁷ The OIG's review of supporting workpapers was based on a randomly selected one-tail sample size calculation with a 95 percent confidence level, an expected error rate of six percent, and a plus-precision of seven percent, with samples selected from both the Department-wide and GED populations.

Audit Division's Audit, it was not feasible to fully assess Paragraph 131 (a and e).⁸ Audit Division plans to address these mandates in an overall assessment of GEDs scheduled to be completed by June 2007.

Identification of a Complete Population

Audit Division used three different samples to evaluate the four primary objectives, as follows:⁹

- Department-Wide and GED DFARs Sample Selection

Audit Division selected 44 DFARs for review. The DFARs were selected from one patrol unit and one GED unit (if applicable) from each of the 19 community police stations, four traffic divisions, Metropolitan Division and Operations South-Bureau. The sampling methodology included the random selection of one day within Deployment Period 7, 2006 (June 25 through July 22, 2006). From the selected day, Audit Division randomly selected one watch, and then randomly selected one field unit from the watch. The DFAR for the selected field unit was then reviewed. For GEDs, Audit Division randomly selected another day, because many of the GEDs were not deployed on the originally selected day. Audit Division included all watches and field units for the selected day. Additionally, Audit Division applied random selection techniques to select one day from Deployment Period 7, one watch from the day, and one field unit from the watch.

- Department-Wide and GED FDRs Sample Selection

Audit Division selected 134 FDRs (106 non-GED and 28 GED) that were used to evaluate completeness (Objective No. 1b), authenticity (Objectives Nos. 2a and 2b), underlying actions (Objective No. 3), and supervisory oversight (Objective No. 4b).¹⁰ The 134 FDRs consisted of a valid sample of 114 FDRs (106 non-GED and eight GED) randomly selected from the STOP system in Deployment Period No. 7, (June 25 through July 22, 2006), and 20 GED FDRs randomly selected from DFARs.¹¹ The DFARs were randomly selected from each of the 19 community police stations and Operations South-Bureau.¹²

⁸ Consent Decree Paragraph 131 (a and e) mandates that efforts be made to (a) identify GED units as a whole and individual officers within GED whose conduct warrants further scrutiny, and (e) audit the roles and conduct of supervisors of these units.

⁹ Audit Division utilized a one-tail test, 95 percent confidence level, six per cent error rate, and plus-precision of four percent.

¹⁰ There were 24 "multiple" FDRs related to the FDR sample. The "multiple" FDRs were the additional FDRs for other persons detained at the time of the selected stops. "Multiple" FDRs were excluded from the Audit sample but were evaluated for completeness, authenticity, and underlying actions using available data collected for the primary samples.

¹¹ The GED samples were selected to satisfy Consent Decree Paragraph 131 requirements.

¹² The GED units from Central, West, and Valley Bureaus were administrative units and were excluded from testing.

- Complaints Sample Selection

Audit Division randomly selected 100 completed complaint investigations closed from January 1 through July 22, 2006, and reviewed the investigations to determine whether discretionary activities were involved and, if so, whether an FDR was completed when required. Failure to Appear, Failure to Qualify, and Preventable Traffic Collision type complaints were excluded from the sample because they would not involve discretionary stops of the public.

Based on the OIG's review, Audit Division's sampling methodology for the three samples was sound in that it helped ensure that all entities that initiated a high number of discretionary stops were considered for selection. Additionally, based upon a review of Audit Division's methodology and work papers, the FDRs, DFARs, and complaints were selected from a complete population.

FINDINGS

To assess the Audit findings, the OIG randomly selected a sample of 40 FDRs, 27 DFARs and 24 complaint investigation files previously selected and tested by Audit Division.¹³ The OIG performed this testwork in order to provide assurance that Audit Division adequately identified and reported all relevant issues. A few errors were identified and only one was noteworthy. Specifically, the OIG found that for one stop, an FDR was not completed for a third suspect at the scene who was detained, taken into custody, and questioned at the Police Administration Building (based on the associated arrest report). After it was determined that there was insufficient evidence to arrest and charge the suspect, he was released. The officers only completed FDRs for the two other suspects arrested.

Based on the OIG's review, overall, Audit Division adequately identified and reported those concerns relevant to the ongoing operations of the Department.

QUALITY

To assess the Audit's quality, the OIG evaluated the quality of both the Audit and the Audit Report. Based on a review of Audit Division's Audit Work Plan, it appears that the Audit was properly planned, performed, and supervised. The Audit Work Plan, which documented their methodology, indicated that Audit Division considered all of the required Consent Decree mandates in the planning of their Audit. Additionally, the Audit was issued in a timely manner (within a year of Audit Division's last Audit) and used a fair and unbiased tone. Also, the Audit Report presented its assessment of the audit objectives in a clear and logical manner.

With that said, it should be noted that a footnote in the Audit Report (Footnote No. 7) stated that "radio calls were considered *exempt* from FDRs, as they are non-discretionary contacts." The OIG agrees with Audit Division's methodology to deselect all radio calls being that the risk of an

¹³ Audit Division evaluated 134 FDRs, 44 Daily Field Activities Reports, and 100 complaint investigation files.

inappropriate detention is lower, but the footnote could give the impression that an FDR is not required for radio calls, which is not the case. Per Consent Decree Paragraph 32, only calls for service for *violent crimes* are actually exempt from the requirement to complete an FDR.¹⁴

Additionally, regarding the Audit's reported compliance for Objective No. 2a (FDRs Consistent with Associated Documents), the OIG believes the actual percentage is higher. Specifically, for three GED DFARs in Audit Division's sample, an FDR number was referenced on the officer's DFAR but it was incorrect. Audit Division located the FDRs associated with the referenced numbers, but found that the FDRs were completed for entirely different stops (by different officers assigned to different community police stations). However, Audit Division still evaluated these three FDRs for its assessment of Objective No. 2a. This evaluation resulted in 15 additional anomalies inappropriately being reported and included in their calculation of compliance. If these 15 anomalies had been excluded, GED compliance percentage for Objective No. 2a would have been 91 percent rather than the 84 percent reported, which would have also increased the overall Department-wide compliance percentage to 95 percent rather than the 91 percent reported.¹⁵

CONCLUSION

Overall, based on the OIG's review, the Audit was complete, performed in a quality manner, and its findings were adequately supported.

¹⁴ Violent crimes includes "homicide, rape, robbery, assault, domestic violence, shots fired, suspect with a gun or knife, kidnapping, bomb threat, child in danger of physical harm caused by another person, officer needs help or assistance, or battery."

¹⁵ These three incorrect FDR numbers were appropriately treated as exceptions for Objective 2b – Review for Other Indicia of Inauthenticity or Incorrectness.