

**LOS ANGELES POLICE COMMISSION**

*Review of the Department's  
Analysis of  
Bureau Gang Coordinator  
Inspections,  
First Quarter 2004*



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

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## REVIEW OF THE DEPARTMENT'S ANALYSIS OF BUREAU GANG COORDINATOR INSPECTIONS FIRST QUARTER 2004

### I. BACKGROUND

Consent Decree (CD) paragraph 106 (h) requires each of the Los Angeles Police Department (Department) Bureau Gang Coordinators (BGC) to monitor and assess the operations of all units that address gang activity. The BGC is required to personally inspect and audit at least one Area unit each month, and shall submit copies of completed audits to the pertinent Bureau and Area, Detective Support Division<sup>1</sup> command office, and Audit Division.

Agreements have been reached with the entities party to the CD to allow the monitoring and assessment to be conducted through an inspection process instead of the more stringent audit process. Essentially, the main difference between the two is that the inspection process is not held to the same statistical validity as an audit and there are less formal survey instruments, methodologies and planning.

On September 2003, Civil Rights Integrity Division (CRID) was assigned responsibility for planning and coordinating BGC inspections. The First Quarter of 2004 required 11 inspections. The inspections analyzed the gang unit work product of each of the 18 geographical Area gang units. The methodology and sampling was identified by CRID. The BGCs forwarded the reports noting the findings of the inspections to CRID for review and assessment. The information provided by each BGC was consolidated into one Department-wide matrix, which includes an assessment by CRID whether the inspection is viable and/or beneficial.

### II. PURPOSE

The Office of the Inspector General (OIG) is mandated under CD paragraph 135 to review all reports of specified audits, and audits prepared in compliance with paragraphs 111, 113, 125, 126, 133 and 134. While there is on-going discussion as to whether an inspection meets the audit requirement set forth in paragraph 106 (h), and whether the BGC inspection reports need to be evaluated by the OIG, the OIG believes it is in the Department's best interest for the OIG to thoroughly review the inspections and provide feedback to the Department and the Board of Police Commissioners (BOPC).

### III. PRIOR AUDITS

The Department submitted its Analysis of BGC Inspections, Fourth Quarter 2003, on March 24, 2004. The OIG did not conduct a comprehensive review of that inspection report and simply reviewed CRID's summary report that determined if an inspection was

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<sup>1</sup> Known as Special Operations Support Division.

viable or beneficial. The OIG believed that the report submitted by CRID provided a methodology for future inspections thereby only provided a critique of a methodology. The OIG's only recommendation was that the inspection periods be modified from "calendar year" to "fiscal year" quarters to cause them to be consistent with the reporting periods used by the Independent Monitor. No response has been received by the Department indicating whether or not this recommendation will be implemented.

#### **IV. METHODOLOGY**

The OIG reviewed the documents provided to CRID by the BGCs. The OIG did not conduct a standard audit review because it concluded it would be difficult to conduct an analysis due to the method used by the Department to measure compliance. The OIG did review each inspection report and provided a brief analysis of each along with a critique of the overall process. The OIG did not confirm the population given the less stringent requirements for inspections, nor were the findings independently tested.

#### **V. OVERALL CONCLUSION**

Overall, the OIG believes the concept behind the inspection process is valuable. Immediate feedback, if done properly and swiftly, would allow for faster intervention and correction. However, the method used by the Department to conduct the inspections does not facilitate the typical audit review as no documentation is maintained detailing who at the Area level was briefed of the deficiencies noted and what recommendations, if any, were implemented. It also appears that there are instances in which deficiencies have been identified but the result of any action taken is not evident. This is reflected by the fact that many of the 11 inspections identified continuing problems previously identified in BGC inspections with the most basic procedures such as checking equipment in and out. It appears some corrective action has been taken, as there is a small increase in compliance. The OIG noted that the BGCs made several recommendations for each Area to implement and also noted the need for dialogue among the various command levels at the Areas, however there is minimal documentation to verify that the issues were discussed and/or addressed.

The OIG further questions CRID's rationale for determining whether an inspection is "Viable" or "Beneficial" and what impact it has on the current, or future, inspections. For example, in the Fourth Quarter 2003 BGC Inspection on Arrest and Detention – Watch Commander Oversight, the findings from that the inspection were "not viable" due to inconsistencies with existing policies<sup>2</sup>. Yet, the findings were "viable" for the same inspection in the First Quarter 2004 BGC Report, with the conflict still unresolved. This inconsistency makes it unclear what exactly is meant by "viable" or "beneficial".

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<sup>2</sup> In this case, Administrative Order No. 3, 2000, and Special Order No. 27, 2001, are in conflict regarding the approval of arrest reports by GED supervisors when a use of force is involved.

While the OIG applauds the ambitious inspection schedule set forth for the BGCs, we believe that a smaller number of individual inspections with a larger population and more detailed questions would provide a better picture of operations to the Department. Certainly, in the beginning stages of the inspections it was necessary to act quickly and document all areas of deficiencies. However now that the Department has improved in many areas, the OIG believes that fewer, more detailed inspections will allow for a more detailed analysis. The sheer volume of the current inspections precludes detailed analysis and does not provide sufficient time to provide training on one issue before tackling another issue.

The OIG is optimistic that the BGC inspections will continue to improve as the process develops and is pleased with the serious approach the Department is taking to improve gang detail operations. The commitment at all levels is apparent and the level of cooperation the OIG received from CRID was exceptional.

## **VI. DETAILED FINDINGS**

The following provides the OIG's findings as it relates to the inspection process and each inspection:

### *Inspection Process*

The inspection process involves a topic chosen by CRID with the methodology, matrix and population provided by CRID. Each BGC completes a matrix for each issue in each Area of his/her Bureau. The BGCs compile their respective findings for each Area within the Bureau and prepare a report providing recommendations for each Area based on the findings. The Bureau reports are forwarded to CRID<sup>3</sup> and compiled into a Department-wide matrix along with a summary of the findings.

The OIG identified the following:

- The Department discusses the BGC inspection findings during the COMPSTAT meetings and holds the Area Commanding Officers accountable for their Area's findings.
- The Commanding Officer, Special Operations Bureau, immediately reviews the inspections and forwards appropriate correspondence to handle identified issues.
- No analysis was conducted to determine if there are any Department-wide issues that should be addressed, the only analysis done was by individual bureaus;
- Many of the recommendations are merely a need for employees to become familiar with a specific Department directive or existing policy and procedure;

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<sup>3</sup> Special Operations Services Division (SOSD) will be compiling the information beginning in July 2004.

- It appears that previous audit findings were not adequately addressed through training, recommendations, and/or follow-up as the same issues identified by these inspections have been previously noted. Staff from CRID assures the OIG that appropriate action is being taken but the frequency with which the inspections occur make the results of the actions less noticeable.
- The Bureau and Department-wide matrix each contain several numerical errors which potentially raises questions as to the ultimate conclusion of compliance or non-compliance. The OIG concluded that the matrices contained too many errors to the point where additional analysis was a struggle;
- Compliance percentages were calculated based on an overall Department-wide total, which made it difficult for the OIG to identify the Areas and/or Bureaus that were deficient or compliant.
- The OIG believes the BGCs may have misunderstood some of the questions as written on the matrix and responded incorrectly, thereby creating a scenario where an Area is deemed out of compliance, when, in fact, it may not have been. For example, the matrix for Inspection No. 5 – Evidence Documentation, included the question “Did the Property Report (or arrest narrative) document how the evidence was marked (if necessary)?” The methodology provided to the BGCs and the OIG from CRID for this inspection did not include the correct Department Manual Section to provide guidance for this question (4/530.10) on how and which evidence should be marked. The only referenced Department Manual Sections 4/645.20 and 5/10.10, discuss property reports and property receipts.

Three Bureaus<sup>4</sup> answered with essentially 100% “not applicable” for 61 reports<sup>5</sup>. Operations-West Bureau (OWB) answered the question “no” for 16 reports and “yes” for one report. The fact that such divergent responses exist between one bureau and the remaining bureaus should warrant further scrutiny. Because CRID did not do any further analysis, this anomaly was not identified or corrected, resulting in an 11.1% compliance rate, all ostensibly due to OWB.

The follow-up on specific recommendations remains the responsibility of the BGCs, but is supported through the COMPSTAT process. During the COMPSTAT discussion with Gang Impact Teams (GIT) lieutenants and the commanding officers (C/O), command staff quizzes them as to the results of the inspections and what they have done when discrepancies were found. This information is tracked month-to-month to ensure the Areas are making progress with the identified deficiencies.

The design of the inspection process allows the individual BGC to track and implement recommendations locally, which should provide for immediate action without waiting for any bureaucratic process to complete. Consequently, the OIG recommends that each inspection summary include the date(s) of any training and the current status of any

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<sup>4</sup> Operations-Central Bureau (OCB), Operations-South Bureau (OSB), and OWB.

<sup>5</sup> One report was marked “yes.”

recommendation. Recognizing that the quick turnaround of the inspections may preclude documentation of conferences with command staff, the dates the training and evaluation took place from the prior weeks' audit should be included in the documentation for the subsequent audit.

**Recommendation:**

- **It is recommended that each inspection summary include documentation of the discussion with the Area Commanding Officer and the current status of recommendations from the previous week's audit.**

*Inspection 1 – Arrest and Detention – Watch Commander Oversight*

The methodology for this quarter's Arrest and Detention-Watch Commander's Oversight inspection was identical to the methodology for the Fourth Quarter 2003 BGC Inspection. This alone is not a problem, however as noted previously, the Fourth Quarter 2003 BGC Inspection found that this inspection was not viable due to competing requirements between Administrative Order No. 3, 2000, and Special Order No. 27, 2001. However, with nothing changed<sup>6</sup>, the findings were viable for this inspection period. This quarter's report appropriately culled the findings that were quantifiable and identified problem areas.

*Inspection 2 – Vehicle and Equipment Check-In*

The Department is extremely deficient in its adherence to procedures in this area. Many of the Vehicle and Equipment Assignment Sheet (VEAS) for the Gang Enforcement Detail (GED) units could not be located; the least satisfactory was Northeast Area with six of the 19 VEAS missing. In fact, 75 (22%) of the officers Department-wide that were assigned to the field were not reflected on the VEAS. In addition 35% of the Department-wide entries had discrepancies between the VEAS and the Daily Field Activity Report (DFAR). Operations-Central Bureau had more discrepancies (46) than correct (30) entries. Operations-South Bureau VEAS did not reflect the time equipment was checked-in or checked-out on any of the VEAS as required. Neither OSB nor OWB reached 50% compliance with the signature of the kit room officer on the VEAS.

*Inspection 3 – Arrests for Interfering, Resisting, or Assault on an Officer*

The majority of the Department is in compliance with the requirement to document certain types of arrests on the Watch Commander's Daily Report (WCDR). The sole exception was OSB. Two incidents in Southwest Area and one incident in 77<sup>th</sup> Street Area were not correctly documented. In addition, only one non-categorical use of force (NCUOF) report from Southwest Area<sup>7</sup> did not meet the 14-day review by the C/O.

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<sup>6</sup> The Fourth Quarter report discusses Special Order No. 7, 2004 that was to correct the problems that rendered the findings not viable, however that Order was issued February 25, 2004, and the inspection was conducted on January 5, 2004.

<sup>7</sup> These two Southwest Area incidents were incorrectly reported on the Department-wide matrix as Southeast.

#### *Inspection 4 – Deployment*

The Department recognized that using a one-week period from three deployment periods (DPs) to analyze in the Fourth Quarter 2003 BGC Inspection was not sufficient and determined that the sampling was not viable. However, the Department again selected a one-week time period over three DPs for the First Quarter 2004 Inspection and determined that the methodology, sampling and findings were not viable. The Department did indicate that they would revise the methodology for the Second Quarter 2004 BGC Inspection, however that problem should have been rectified prior to this quarter's deployment inspection since the problem was noted. The Department has indicated that the deployment inspection for the second quarter has been changed to provide an accurate reflection of an entire deployment period.

#### *Inspection 5 – Evidence Documentation*

This inspection was related to the issuance of Property Report, Form 10.01, and the Property Receipt, Form 10.10. The inspection covered arrests that occurred in December 2003. The Department is still non-compliant in this area. Every audit since the inception of the CD has found deficiencies with this type of documentation of evidence and this inspection was no different. In this inspection, the least compliant Area was from OWB. There was no Property Receipt included in the arrest packages for six of the 17 incidents (35%). In addition, in OWB nine of the 17 Property Reports did not match the property listed on the Property Receipt<sup>8</sup>. Operations-Central Bureau had the highest compliance rate (84%) in this area and OSB and Operations-Valley Bureau (OVB) each had a compliance rate of 71.4%. Clearly, training and supervisory oversight in this area needs substantial improvement.

#### *Inspection 6 – Selection Criteria*

There was 100% compliance in the GED Selection Criteria. For supervisors the questions included meeting the requirement for a minimum of one-year as a patrol supervisor, that the supervisor had been wheeled from a probationary assignment and that at least 13 DPs had past since a prior gang assignment. For officers, the questions included meeting the requirement that probation was completed, had three years as a police officer with the Department with two of the years in patrol, and that at least 13 DPs had past since a prior gang assignment.

#### *Inspection 7 – GED Sustained Complaints*

There were no sustained complaints against any of the officers for the six misconduct issues of CD paragraph 107c, excessive force, false arrest or charge, unreasonable search or seizure, sexual harassment, discrimination, or dishonesty. Consequently, there were no assessments required by the CD. The Department did review ten sustained complaints of neglect of duty, discourtesy, or unauthorized force because of their possible

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<sup>8</sup> As noted in the preceding paragraph, six Property Receipts were not located and those six are included in the results for the items not matching.

relationship to the CD-mandated complaints. The sustained complaints included negligent discharge, administrative disapproval for tactics (pointed a handgun at other officers), two separate prisoner escapes, a failure to properly search an arrestee, temporary loss of a back-up handgun, two discourtesy allegations, failure to complete a field data report and a preventable traffic collision.

#### *Inspection 8 – NCUOF Incidents*

This inspection reviewed 23 NCUOF reports that occurred in October through December 2003 for the following issues:

- Was the NCUOF reported to a supervisor in a timely manner?
- Was the appropriate NCUOF Report, Form 1.67.05-rev 4/02, completed?
- Was the NCUOF Internal Process Report (IPR) completed for each officer?
- Did the Area C/O review the NCUOF report within 14 days?
- Was the IPR at the Bureau within 21 days of the incident?
- Did an uninvolved supervisor conduct the administrative investigation?

The Department was in almost 100% compliance with these issues. One West Los Angeles Area NCUOF report took over 14 calendar days (18 calendar days) to be reviewed by the C/O and one Pacific Area incident took over 21 calendar days (26 calendar days) to get the IPRs to the Bureau<sup>9</sup>. There were no questions regarding the problem areas of conflicting statements, documentation of evidence, or witness information.

#### *Inspection 9 – Vehicle and Pedestrian Stop Data Reporting*

Neither of the issued quarterly BGC inspection reports had viable methodology for this topic, however both reports revealed that deficiencies were identified. The sampling period for this inspection was January 2004. Operations-West Bureau's summary references deficiencies in this inspection that are similar to those identified in October 2003 and they are the same deficiencies identified in other Department audits. The deficiencies include failure to correctly document the searches conducted and what was recovered. The training and coaching provided after Inspection Number 4, October 2003, does not appear to have been sufficient. The First Quarter 2004 BGC Inspection simply notes that there was a problem compiling the data due to lengthy correction processes. The implementation of the Portable Officer Data Device (PODD) System may assist in correcting the delay problem.

#### *Inspection 10 – Quality of Arrest Reports*

The documentation of the Admonition of Rights was the major deficiency identified in this area. The Department stated that the publishing of Operations Notice No. 1, 2004, negated the findings of non-compliance related to correct documentation of the

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<sup>9</sup> The Southwest Area identified in Inspection No. 3 that did not meet the 14-day review criteria was not noted in Southwest Area's Inspection No. 8 report, although the inspection periods were the same.

Admonition of Rights. The Operations Notice may aid in future compliance, but it does not negate the fact that Department policy has not been consistently followed. The Admonition of Rights procedure remains the same as Department Manual Section 4/202.10, and the Operations Notice only clarified what is to be put on the face sheet of the arrest report. The Department was also out of compliance documenting the Admonition of Rights in the arrest report narrative or the statement form. This requirement was reiterated in Special Order No. 7, 2003, Statement Form-Revised, and it is still not being consistently followed.

*Inspection 11 – Supervisory Oversight*

The Department indicates that “deviations from operational policy (e.g., uniform and equipment requirements) and supervisor’s available field time were correctly documented on almost all required supervisory reports.” However, careful review reflects that in approximately 50% of the time when GED officers were not in uniform, the Supervisory Daily Report (SDR) **did not** document the signature, name, rank and serial number for the staff/command officer approving the exception, as required by Special Order No. 20, 2003. And, approximately 36% of the plain car deviations failed to have documented one or more of those same requirements on the SDR. It is correct that the SDR did have available field time correctly documented on “almost all” SDRs with a compliance rate Department-wide of 97%.

**VII. POST-INSPECTION MEETING**

A post-inspection meeting was held with CRID on July 27, 2004. They were very receptive to input from the OIG and concurred with our findings. They expressed their support for the inspection process and presented many ways that the inspections are furthering our goal of Consent Decree compliance in gang operations that are not readily apparent in the inspection report. The OIG is satisfied that with minimal changes, the inspections will provide additional valuable information.

**VIII. RECOMMENDATION**

- **It is recommended that each inspection summary include documentation of the discussion with the Area Commanding Officer and the current status of recommendations from the previous week’s audit.**