

LOS ANGELES POLICE COMMISSION

*Review of the
Gang Enforcement Detail
Selection Criteria Audit*



Conducted by

OFFICE OF THE INSPECTOR GENERAL

ANDRÉ BIROTTE, JR
Inspector General

October 27, 2004

OFFICE OF THE INSPECTOR GENERAL

REVIEW OF THE GANG ENFORCEMENT DETAIL SELECTION CRITERIA AUDIT PREPARED BY AUDIT DIVISION LOS ANGELES POLICE DEPARTMENT

I. BACKGROUND

Consent Decree (CD) paragraph (¶) 131 (b) requires that the Los Angeles Police Department (Department) conduct regular and periodic audits assessing compliance with the selection criteria for gang enforcement officers as set forth in ¶¶106 and 107. The audit evaluated CD ¶106(b), (c) and (d), which requires that specific eligibility criteria for selection of non-supervisory and supervisory officers to all Department units that are primarily responsible for monitoring or reducing gang activity, including the Special Enforcement Units (SEU), now called Gang Enforcement Details (GED), be met prior to assignment, and provides a time limitation to such an assignment. The audit further evaluated compliance with ¶107 (a), (b) and (c), which requires a specific assessment of officers applying for a GED assignment.

II. PURPOSE

As required by CD ¶135, the Office of the Inspector General (OIG) evaluated the Department's CD-mandated audit of GED Selection Criteria for quality, completeness and findings. The audit was completed by Audit Division and signed by the Chief of Police on June 25, 2004. The OIG received the audit report on July 2, 2004, which is within 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 second CD-related audit involving GED selection criteria. The Special Operations Support Division (SOSD) conducted the first audit in January 2003, which found the Department non-compliant with the documentation requirements of the CD. The OIG reviewed the Department's audit and because the audit data was stale, conducted an analysis of the current state of GED selection packages. The OIG review was submitted in December 2003.

In the last GED Selection Criteria audit review, the OIG made ten recommendations. As noted in the Findings Section of this report, the OIG does not believe that one of the recommendations was appropriately addressed. Seven of the recommendations were appropriately addressed and the following two recommendations are still being researched by the Department.

- *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.*

The OIG notes that Audit Division addressed the issue of improperly classified sustained complaints in the current audit that was the crux of the basis for the above recommendations.

IV. OVERVIEW OF THE DEPARTMENT AUDIT

The Department's audit focused on CD requirements set forth in ¶106 (b) (c) (d) and ¶107(a) (b) (c) for the period of March 7 through April 3, 2004. Audit Division determined that the Department was in compliance with CD ¶106 (a) (b) (c), in non-compliance with CD ¶107 (a) (b), and withheld compliance with ¶107 (c) as there were no sustained complaints or adverse judicial findings related to those specified in the CD. The audit identified the following issues and made appropriate recommendations to address them:

- Certain sustained complaints related to those specified in the CD may have been overlooked due to the Department's use of ambiguous and broad categorizations of allegations;
- That the Training, Evaluation and Management System (TEAMS) is not a reliable source to determine if an officer has any adverse judicial findings;
- Problems with the personnel information that is used to update TEAMS relative to appointment to a GED; and,
- The requirement to evaluate a GED applicant's two most recent performance ratings may not provide a sufficient period of evaluation as they could conceivably cover only one-month each.

V. METHODOLOGY

The OIG reviewed the Department's audit report as well as its working papers, including the audit work plan and matrix¹. Utilizing a random number generator, the OIG selected a sample of each of the three identified populations sufficient to provide a +/- error rate of

¹ Detailed information that is often included in a separate "crib sheet" in audits was included on the matrix.

seven percent with a 95 percent confidence level. It should be noted that because all of the GED selection packages were obtained by the Department and provided in one location, the OIG did not verify the location where the packages are kept at the Areas².

While AD used the most practical method of identifying the GED population by reviewing the individual Area's timesheets and the SOSD tracking reports, the OIG further verified the population by comparing the list of officers to copies of the current GED tracking databases from the bureaus. This process allowed the OIG to verify that no additional officers were working in GED in March 2004³, who were not identified by AD.

VI. FINDINGS

Quality

Audit Division designed and conducted a thorough and detailed audit. The matrix used to evaluate compliance with the mandates of the CD sufficiently documented the requirements specific to supervisory and non-supervisory personnel within a GED. The audit objectives were clearly delineated and sufficiently tested.

One issue that was noted by the OIG involved determination of compliance for Objective No. 3, Limited Tour Assignments. Audit Division identified 16 of 98 officers that had exceeded 39 DPs as of June 2004 and determined that all 16 had the appropriate approvals for the extension. However, AD reported that three of the extensions (18%) were approved over two months late. Audit Division, exercising professional judgment, excluded the three late approvals from the determination of compliance. This exclusion was based on the fact that those officers' extension approvals were on Intradepartmental Correspondence, Forms 15.2, and only indicated the date of the correspondence and not the date of approval. One was dated August 1, 2003 and two were dated September 22, 2003. The other 13 that were timely, were approved later on the new TEAMS Evaluation Report (TER). Audit Division opined that this approach provided a more relevant and accurate portrayal of the Department's progress in this area. This approach also allowed the Department to be in 100% compliance with this objective.

The OIG applauds the recent progress in this area, however the audit was planned to determine if the approval was "pre-approved." Understanding the application of auditor judgment in this case based upon the implementation of the TER, Audit Division's deviation remains inconsistent with the audit plan as their measure for this stated objective included "pre-approval." Those three selections were included in the population and the OIG opines that they should have been included for compliance with Objective No. 3. Had AD complied with the stated standard, and not excluded these three reports, the Department would have achieved an 81% compliance rate.

² This disclosure pertains to matrix question number 3, confirming that packages are kept secured.

³ The bureau tracking databases include the deployment period and year the officer joined the unit.

Completeness

Audit Division appropriately verified the entire population and selected a statistically valid sample. The OIG identified two problems with the population, as follows:

- A reserve officer assigned to 77th Street Area GED was not included in the population. While the officer was included in the time books, he was not reflected in the SOSD database (See Other Related Matters, Reserve Officers below), consequently, this officer was overlooked; and,
- Two detectives were included in the total GED population that should have been deselected because they were not directly involved with gang enforcement. The OIG notes, however, that neither was randomly selected for the AD population, therefore the OIG does not consider this oversight to be significant.

Every requirement within the identified CD paragraphs was suitably tested. The OIG concurs with AD's decision not to expand the sample for Objective No. 5 based on its findings in the initial population. Audit Division's work plan adequately explained the anticipated audit process as well as the reasons certain information was excluded from additional consideration. The OIG concurs with these decisions made by AD⁴.

Findings

Audit Division reported on issues that spoke to the intent as well as the letter of the CD. In particular, as the OIG reported in its last SEU Selection Criteria audit, certain non-specified CD classifications of complaints may include behaviors delineated in CD ¶107 (c) that have not been adequately addressed. For example, a sustained allegation for under the category of "false statements" which was not evaluated because it was not classified as "dishonesty." The OIG understands that this is not a popular position to take and commends AD for reporting on this issue and hopes the Department embraces its importance and acquiesces to this additional scrutiny.

In addition, AD provided insightful recommendations that will address the identified deficiencies and underlying issues. The OIG concurs in particular with the need to establish a minimum time period for the evaluation of an officer's performance history rather than a minimum number of ratings.

⁴ In particular, the exclusion of questions 16 and 24 on the matrix.

VII. OTHER RELATED MATTERS

Reserve Officers

The OIG noted in its December 2003, SEU Selection Criteria Audit that reserve officers are unlikely to have enough actual field experience to meet the criteria specified in Administrative Order (AO) No. 3, 2000, "Activation of the Special Enforcement Unit." A reserve officer was assigned to an SEU and was working in 77th Street Area. This officer had a long tenure with the Department, but with a two day minimum deployment period for reserve officers, the OIG did not believe the officer had sufficient field time to meet the requirements of AO No. 3, 2000. The officer was reassigned to a different entity before any action was undertaken by the OIG. As a result, the OIG recommended that the Department evaluate the eligibility requirements for SEUs as it relates to reserve officers to ensure compliance with the CD.

The Department's response to this recommendation was:

"Special Order No. 27, 2003, requires the completion of a selection package and applications of eligibility criteria for all candidates considered for assignment to a GED. Neither Special Order No. 27, 2003, or the consent decree make any distinction between full time and reserve officers."

Although technically correct, the response did not address the OIG concern that, while the officer might have three years with the Department, a reserve officer could only have 74 days of actual experience. This is far less than a full time officer with three years experience would have at 690 days⁵. The reason for the required experience, including patrol time, was to ensure that the officers selected had the necessary skills to be successful in a GED.

During our review the OIG identified an additional reserve officer who is also assigned to 77th Street Area GED. This officer was hired on May 2, 2000 and assigned to 77th Street Area on March 21, 2001. This officer was assigned to 77th Street Area GED in April 2003. Even as a full-time employee this officer would not have met the three-year requirement (two years in patrol) as a Department employee at the time of selection to a GED under AO No. 3, 2000, or to continue as a GED officer under Special Order No. 27, 2003, "Selection and Assignment to Gang Enforcement Details."

The OIG is cognizant of the shortage of officers available for assignment and the benefit reserve officers provide to the Department and the City. However, if the Department chooses to utilize reserve officers for these assignments, they need to consider what requisite experience is necessary before being placed in this assignment.

⁵ Based on 46 40-hour weeks, allowing six weeks of vacation and holidays.

Recommendation:

- **The OIG recommends that the Department consider developing eligibility requirements for reserve officers who wish to be considered for assignment to a GED.**

Law Enforcement Related Injury (LERI) Consideration

Part of the process prior to selecting an officer into a GED involves an evaluation of the officer's work history and a review of the TEAMS report to obtain a complete picture of the officer's career in the Department. However, the current TEAMS do not include information related to an officer's LERI history and this information can only be found by contacting the Use of Force Review Section (UOFRS). While this oversight is expected to be corrected with the advent of TEAMS II, it is imperative that checks are in place immediately to ensure that LERI incidents are considered prior to selecting an officer to a GED. To that end, the OIG recommends the Department include a check box, or other notation, on the TEAMS Evaluation Report to reflect contact with the UOFRS.

Recommendation:

- **The OIG recommends the Department include a check box, or other notation, on the TEAMS Evaluation Report to reflect contact with the Use of Force Review Section, until TEAMS II is functional.**

VIII. POST AUDIT MEETING WITH AD

A post-audit meeting was held electronically with AD on October 4, 2004. After a lengthy discussion, AD continued to disagree with the OIG concerning the issue of the three selection packages they held out when determining compliance with Objective No. 3. Audit Division felt that the report sufficiently discussed the three late approvals and the reasons why they determined that including those approvals would not be an accurate reflection of the Department's progress in this area.

IX. CONCLUSION

Audit Division is meeting the needs of the Department and the CD by carefully evaluating and reporting on the successes and deficiencies within the GED selection criteria process. The strides made by the Department in this area are encouraging and the OIG is pleased with the results.

X. RECOMMENDATIONS

- The OIG recommends that the Department consider developing eligibility requirements for reserve officers who wish to be considered for assignment to a GED.
- The OIG recommends the Department include a check box, or other notation, on the TEAMS Evaluation Report to reflect contact with the Use of Force Review Section, until TEAMS II is functional.

XI. ACTION TAKEN

Audit Division arranged to have a Transfer and/or Change in Paygrade, Form 1.40, completed for a GED officer assigned to Foothill Area that did not reflect being assigned to a GED. While this paperwork was completed as requested, the serial number for the officer was not correct and consequently was not processed. The OIG contacted Foothill Area and facilitated the completion of a corrected Form 1.40.