

LOS ANGELES POLICE COMMISSION

*Review of the
Gang Enforcement Detail Work Product,
Third Quarter, FY 2003/2004
And
Field Data Reports Completed by Gang
Enforcement Detail Officers Audits
Executive Summary*



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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**REVIEW OF THE
GANG ENFORCEMENT DETAIL WORK PRODUCT AUDIT
AND
FIELD DATA REPORTS BY GANG ENFORCEMENT DETAIL OFFICERS AUDIT
THIRD QUARTER, FISCAL YEAR 2003/2004**

EXECUTIVE SUMMARY

I. BACKGROUND

Consent Decree (CD) paragraph (¶) 131¹ requires the Los Angeles Police Department (LAPD or Department) to conduct regular periodic audits of the work product of all gang units covered by ¶106. Paragraph 131(a) requires an audit of a random sample of the work of the unit as a whole, as well as the work of individuals whose work product appears to contain indicia of untruthfulness, other forms of misconduct, or otherwise merits further review; and, ¶131(c) requires an audit of the type set forth in ¶128 to include warrant applications and affidavits, arrest, booking, and charging reports, use of force (UOF) reports, motor vehicle and pedestrian stops, and confidential informant (CI) packages. This is the third audit of ¶131(a)(c) conducted by Audit Division for Fiscal Year (FY) 2003/2004. The findings related to the Gang Enforcement Detail (GED) work product were provided in the *Gang Enforcement Detail Work Product Audit, Third Quarter, FY 2003/2004*.

Audit Division completed its first Department-wide audit of Motor Vehicle and Pedestrian Stop Data Collection on August 20, 2003. During that audit, the Department did not evaluate a separate stratum of Field Data Reports (FDR) by GED officers, and was therefore unable to separate findings on whether GED officers were completing FDRs and whether the FDRs were accurate. Several internal control weaknesses related to the processing of FDR information were identified and numerous recommendations were made to remedy these problems. Consequently, the Department took steps to increase the completeness and accuracy of FDR information on STOP (FDR database).

In efforts to provide an assessment of the completion of FDRs by gang officers, Audit Division, using the same population as for the third quarter GED Work Product Audit, assessed the associated FDRs completed by GED officers for the GED Work Product arrests. The findings related to the completion of FDRs by GED officers were provided in the *Audit of Field Data Reports Completed by Gang Enforcement Detail Officers*.

¹ Audit Division evaluated compliance with ¶¶131(b), selection criteria; and 131(d), CI packages by conducting two separate audits. The findings of those audits have been provided via separate reports. Paragraph 131(e), the roles and conduct of gang supervisors, will be evaluated during the Bureau Gang Coordinator inspections, Deployment Period Nos. 1 and 7, 2004.

II. PURPOSE

The Office of the Inspector General (OIG) evaluated the audit reports for quality, completeness, and findings as required by CD ¶135.² Both audit reports were received by the OIG on April 2, 2004, in compliance with the one-week provision of CD ¶135. Due to staffing resources, the OIG was unable to complete its review within the three-month period allotted by the Independent Monitor. The OIG recognizes that its review of these audits is non-compliant as it relates to timeliness, however, is submitting its findings with the intent to provide the Board of Police Commissioners as well as the Chief of Police with information necessary to facilitate management decisions and to further enhance the public accountability of the Department

III. OVERVIEW OF THE DEPARTMENT'S AUDIT

GED Work Product

Audit Division examined the work product³ authored by GED personnel assigned to West Valley, Van Nuys, West Los Angeles, Rampart, 77th Street, and Newton Areas for the period between November 1 through 30, 2003.⁴ Audit Division identified and evaluated the work product of 159 officers assigned to GEDs. A total of 234 arrest reports were identified, 90 of which were excluded from the review because the arrest did not require a narrative (i.e., misdemeanor warrants, citations, etc.), or because it was determined that the arrest report was in fact not authored by a GED officer. The total work product sample population identified by Audit Division consisted of 144⁵ arrest report packages, six warrants (four search warrants and two Ramey warrants), four Non-Categorical Use of Force (NCUOF) reports, and two CI packages. The four UOF incidents by GED officers identified for this time period were not evaluated, as they were unavailable pending completion of the chain of command review cycle.⁶

² The audit of the completion of FDRs by GED officers was not submitted to comply with the mandates of the CD, but only to evaluate completeness and accuracy of FDRs completed by GED officers. Therefore, the OIG limited its review of the audit report to those two areas, as well as the accurate identification of the audit population.

³ Work product included: arrest, booking, and charging reports; UOF investigations; search warrant packages; probable cause arrest (Ramey) warrant packages; CI packages; and FDR. Release From Custody (RFC) Reports without narratives and citations or arrests completed on a citation were excluded from the population.

⁴ Although Operations-West Bureau was initially selected for review, Audit Division deselected it because its function was purely administrative and did not generate any of the work product noted above.

⁵ Audit Division was unable to locate four arrest reports; therefore only 140 were actually reviewed. Audit Division held these four missing arrest reports out of compliance for completeness.

⁶ Audit Division indicated these NCUOF reports would be reviewed as part of a supplemental audit of GED NCUOF investigations for FY 2003/2004. The OIG conducted follow-up and determined that there were actually six NCUOF investigations to review, one of which involved a multiple arrest of four suspects. Audit Division indicated a supplemental audit has been completed and is pending review by the CO.

The GED work product was evaluated using four objectives: completeness, authenticity, underlying actions, and supervisory oversight. Audit Division determined compliance with the performance objectives when at least 95% of all work product met the standards established for each objective. Audit Division further evaluated all work product for patterns of conduct associated with detentions and arrests. Issues identified not related to the CD were discussed and addressed as *Other Related Matters*.

Audit Division found the Department non-compliant with most objectives except for the Authenticity Review objective at 99% compliance. Of the Areas evaluated, the work product of GED officers assigned to the West Valley Area was the most thorough and complete at 92%, while the work product of GED officers assigned to the Newton Area contained significant anomalies causing the compliance level to fall far below the 95% compliance level at only 69%.

Audit Division audited the associated FDRs completed for GED work product arrests. This audit was conducted with the intent to determine the Department's progress in the completion of FDRs by GED officers.⁷ The audit did not evaluate FDRs completed for stops in which only a citation was issued and/or a field interview card was completed. Five audit objectives were used in the evaluation of FDR forms as follows: FDRs were completed when required; FDRs were properly posted to STOP;⁸ FDRs contained complete information; FDRs contained information consistent with the arrest report; and STOP contained the information of only "FDR-able" stops.

The audit revealed that GED officers are generally complying with the CD mandates related to the completion of FDRs, but there continues to be issues with the proper completeness and accuracy of information documented on the FDRs. The most significant findings was that only 71% of the FDRs reviewed contained information consistent with the associated arrest report and only 82% of the FDRs contained complete information.

IV. OIG's METHODOLOGY

The OIG's reviews consisted of a complete analysis of Audit Division's audit reports, working documents and a meta audit using Audit Division's work plan, matrix and crib sheet. The OIG randomly selected 58 incidents consisting of 36 multiple arrests for a total of 94 arrest reports.⁹ The same population used for the GED work product was used to evaluate completeness and accuracy of FDRs by GED officers. The GED work

⁷ A comprehensive Motor Vehicle and Pedestrian Data Collection audit, to include a separate stratum of FDRs completed by GED officers, has been completed and is currently under review by the OIG.

⁸ FDR database.

⁹ This sample was selected using a one tail test with a confidence interval of 95% and a plus or minus 4% error factor.

product and FDRs were evaluated using the same objectives as those utilized by Audit Division.

V. OIG's FINDINGS

GED Work Product Audit Report

Audit Division's report was well written, effectively summarized the audit findings, and provided appropriate action taken to address the deficiencies identified. The OIG found that the audit objectives were sufficient to adequately assess compliance with the CD as well as Department policy and procedure.

The OIG identified and discussed with Audit Division a number of administrative discrepancies related to the working documents, some of which conflicted with the final audit report. The issues were resolved with Audit Division and documented in the OIG's work papers. The OIG concluded that these discrepancies were administrative in nature and did not have a bearing on compliance with the audit objectives or the legality of the arrest. Based on the foregoing, the OIG concludes that quality, completeness and findings of the report overall are sufficient.

GED – Work Product Findings by Objective

The following represents the OIG's findings by objectives.

Objective No. 1- Completeness

Audit Division determined completeness by ensuring that the Department's record retention system permitted a review of documents associated with the incident that were necessary for a basic review of the work product. The work product was considered incomplete if documentation could not be located and caused the product to be held out of compliance.

Audit Division found the Department's overall compliance level to be 92%. Based on a review of its sample population, the OIG concurs with Audit Division's findings related to this objective.

Objective No. 2 - Authenticity

Audit Division evaluated each work product for canned language, inconsistent information, lack of articulation of legal basis for actions taken, and other indicia that the information contained in the work product was not authentic or correct. Audit Division reviewed the applicable work product to determine if any of the

above related authenticity issues were present, and work product that contained the above issues did not meet the compliance standard for the Authenticity Objective. Audit Division determined that 99% of the work product met the Authenticity Objective.

Based on a review of its sample population, the OIG concurs with Audit Division's findings related to this objective.

Objective No. 3 - Underlying Actions

Audit Division evaluated each applicable work product for the fundamental actions taken by the officers during the course of an arrest, service of a warrant, UOF, or during the utilization of a CI or Observation Post to determine if the actions were appropriate, legal, and within Department Policy. The review for this objective ensured the proper completion and/or documentation of various Department requirements, to include documentation of Miranda advisement, documentation of the required telephone calls for juvenile detainees, initiation of a UOF investigation, documentation that evidence (if any) was booked, or justification for not booking evidence, documentation of prior supervisory approval for the use of Observation Posts, etc., within the work product reports. Work Product that contained one or more of the above issues did not meet the compliance standard for the Underlying Action objective.

Based on a review of its sample population, the OIG concurs with Audit Division's findings related to this objective.

Objective No. 4 - Supervisory Oversight

Audit Division determined that supervisors are required to provide proper oversight of incidents at which they were present and/or when reviewing completed work product. Audit Division also determined that at a minimum supervisory review of the work product should ensure that the incident and all relevant actions of involved personnel are accurately and adequately documented within the report. To evaluate this objective, GED work product was evaluated for evidence of supervisory oversight on various reports to include, Arrest Reports, Booking Approval Forms, correct documentation of Miranda responses, initiation of an UOF investigation when articulated in the work product.

Audit Division found that of the 152 work product evaluated, 29 (19%) failed to meet the standard for this objective. The OIG also identified administrative issues with a number of the arrest packages that were attributed to a lack of supervisory oversight. The issues identified included non-adherence with Department policy

and procedure related to the correct documentation of Miranda responses, and issuance of Property Receipts.

Based on a review of its sample population, the OIG concurs with Audit Division's findings related to this objective.

GED - CI Packages

Audit Division found two incidents in which GED personnel utilized a CI. The OIG confirmed those two incidents and found, as did Audit Division, that the CI packages were maintained as required by the CD and Department policy and procedure.¹⁰

GED - Search Warrant Packages

The OIG identified an additional Search/Ramey Warrant (No. 49707) not identified and/or reviewed by Audit Division because it was not included in the Search Warrant Tracking Log. The warrant was identified by the OIG during its review of an arrest report (Booking No. 7922135).¹¹ Newton Area Clear Unit obtained a Search/Ramey Warrant on November 24, 2003. The warrant was served on November 26, 2003 and was not entered on the Search Warrant Tracking Log for the month of November 2003. The OIG determined that the searches were conducted within the guidelines of Department's Search Warrant Service and Procedures Guide and Special Order No. 28, 2003, *Activation of the Warrant Service/Tactical Plan Report Guideline for Search Warrants*. Audit Division, when notified of the Search Warrant Log discrepancy, contacted the Area Commanding Officer to take corrective action. Audit Division also indicated that the warrant would be included in the upcoming supplemental GED Search Warrant audit.

FDR Audit Report

The OIG found the quality, completeness and findings of this audit to be sufficient. Audit Division's audit objectives were established to adequately assess whether GED officers are complying with the CD by accurately completing an FDR when required. The findings were accurately reported and were supported by the audit documentation. The OIG found that the recommendations were useful and will ensure the Department moves closer to compliance with the mandates of the CD.

¹⁰ The OIG went to the Area where the CI files were stored and verified that the CI documentation was within Department guidelines and non-uniformed personnel utilized the informant, as required.

¹¹ The OIG reviewed the warrant and did not identify any significant issues.

The OIG identified the following as it relates to the FDR objectives established by Audit Division:

Objective No. 1 - Field Data Reports Completed When Required

Audit Division determined that compliance with this objective was achieved when the officer completed the required FDR, as specified in CD ¶¶30 and 32. Audit Division determined that the involved officers completed FDRs for 113 (93%) of the 121 total “FDR-Able” Stops. The OIG’s sample population involved 93 “FDR-Able” stops. The OIG found that of the 93 stops, an FDR was completed for 89 (96%).

Objective No. 2 - Field Data Reports Properly Posted to STOP

Audit Division determined that compliance with this objective was achieved if each of the completed FDRs properly posted to STOP. Audit Division determined that four (4%) of the 113 completed FDRs did not post to STOP. The OIG concurs with this assessment based on its review, which identified 3 (3%), of the 89 FDRs that did not post to STOP. Audit Division did not evaluate FDRs that did not post to STOP for the final three objectives. This was due to the fact that it would not be considered proper to evaluate completeness and accuracy of copies of FDRs.

Objective No. 3 - Field Data Reports Contain Complete Information

Compliance with this objective was achieved when the FDR reflected all information required by CD ¶¶104 and 105 when compared to the associated arrest report. Audit Division concluded that the omission of CD-required information would cause the FDR to fall out of compliance with this objective. Audit Division found that 89 (82%) of the 109 FDRs had complete information. The OIG concurs with Audit Division, based on its review, which found 74 (86%), of the 86 FDRs contained complete information.

The majority of the incomplete information identified in the FDR comparison by the OIG involved discrepancies in the Discovered/Seized section of the FDR. This particular section documents evidence discovered or seized from Warrantless searches, the Authority for the Search, and the “What Was Searched.” The OIG identified one FDR (Control No. 12-26) not identified by Audit Division in which the Odor of Contraband was the Search Authority for the Search.¹²

¹² Per Audit Division, at the start of the audit, Control No. 12-26 was originally deselected from the population because Audit Division was unable to locate the RFC. On February 26, 2004, 77th Street Area faxed Audit Division a copy of RFC No. 945502 for Control No. 12-26 and it was re-selected by Audit Division for the GED Work Product Audit. However, the Project Manager of the GED Work Product Audit did to notify the Project Manager of

Objective No. 4 - Field Data Reports Contain Information Consistent with the Associated Arrest Report

Audit Division determined that compliance with this objective was achieved when FDRs were free of inconsistent information when compared to associated arrest reports, particularly when documenting information specified in CD ¶¶104 and 105. Audit Division determined that 77 (71%) of the 109 FDRs were free of inconsistent information. The OIG concurs with Audit Division based on its review, which identified 64 (74%) of the 86 FDRs were free of inconsistent information. The OIG identified one FDR (Control No. 12-26) where the time of stop on FDR indicated 1545 hours and the time of arrest on RFC indicated 1440 hours, which was a 65-minute discrepancy that was not addressed by Audit Division. The OIG further identified 38 FDRs involving searches such as Consent, Incident to Arrest, Incident to Pat Down/Frisk and Parole/Probation that were documented on the FDRs but not documented on the arrest reports¹³. Audit Division did not evaluate the above documented searches because Audit Division determined that officers are not required to document every fruitless search or associated search authority in the arrest report if the search yielded no additional evidence. The OIG contacted PRD who verified that there is no Department requirement to document a search in the arrest report, if evidence is not seized.

Objective No. 5 - Stop Contains Information of Only “FDR-able” Stop

Audit Division determined that compliance with this objective was achieved when only information regarding an “FDR-able” Stop, as specified in CD ¶¶30 and 32, was posted to STOP. Audit Division determined that six of 115 FDRs that posted to STOP were “FDR-able.” The OIG concurs with Audit Division based on its finding that five of the 91 FDRs that posted to STOP were “FDR-able.”

The OIG also found that the recommendations made by Audit Division were useful and will further ensure the Department moves closer to compliance with the mandates of the CD.

Other Related Matters

The issues noted in this section relate to insufficient or ineffective documentation of several Department processes or other issues identified during the course of the audit that require review but fell outside the audit’s scope, as follows:

the FDRs Completed by GED Officers audit that the above control number was re-selected for the population. Therefore, the above control number was not included and evaluated for the FDRs Completed by GED Officers Audit.

¹³ In the OIG’s review of the Motor Vehicle and Pedestrian Stop Data Collection Audit, the OIG recommended that the Department require the same supervisor to approve FDRs and the attendant arrest reports for consistency.

Juvenile Arrest Review

Audit Division reviewed the Juvenile Arrest Report Continuation forms to determine whether parental notifications were adequately documented pursuant to the OIG's request. Audit Division determined that in three (11%) of 27 juvenile arrests it was not documented if the parental notifications were made. The OIG concurs with this assessment based on the OIG's sample population, which identified that three of 20 reports¹⁴ did not document if parental notification was made. Audit Division also reviewed the Juvenile Detention Logs to ensure that the juvenile was appropriately transported to a primary work site, taken before the WC for an inspection and interview, and that the length of detention did not exceed six hours as required by Department policy. Audit Division identified one Juvenile Detention Log that failed to indicate the time the detention at the Area Station ended. The OIG concurs with this assessment based on its review of the Juvenile Detention Logs that revealed that the officers failed to log the juvenile out on the Juvenile Detention Log.

Area Self-Reported Arrest Logs

The OIG concurs with Audit Division's finding that the Area self-reported arrest logs should identify specifically who authored the report and whether GED personnel were assisting other personnel with the arrest or if they were the actual arresting officer. This will address the discrepancy between the CCAD log and the Area self-reported arrest logs.

Use of Observation Posts

The use of an Observation Post by uniformed personnel requires supervisory approval and/or oversight; however, current policy does not require that the approval and /or oversight be documented for the use of an Observation Post. The OIG concurs with Audit Division's recommendation that the name and serial number of the supervisor approving the use of an Observation Post by uniformed personnel be documented in the Area Watch Commander's Log and the approving supervisor's log.

Patterns of Conduct

Audit Division reported that their evaluation of all arrest reports for patterns of conduct associated with detentions and arrests resulted in a supplemental audit that is being conducted by Audit Division personnel. The OIG confirmed that a supplemental audit is being conducted and the findings will be provided to the OIG as soon as they are available.

¹⁴ One of the reports that Audit Division and OIG reviewed was an RFC of a juvenile for drinking in public.

VI. POST-AUDIT MEETING WITH AUDIT DIVISION

A closeout discussion was held with Audit Division on December 16, 2004. Audit Division concurs with the OIG's findings.

VII. RECOMMENDATIONS

GED Work Product

The OIG concurs with Audit Division's recommendations that Area records personnel be trained to maintain complete copies of arrest report documents; that C/O's provide training to supervisors emphasizing supervisory review of arrest report packages; that Jail Division personnel be provided with training emphasizing the accurate input of information into the Decentralized Automated Booking and Information System; and, that the name and serial number of the supervisor approving the use of an Observation Post by uniformed personnel be documented in the Area WC's log and the approving supervisor's log.

FDR

The OIG also concurs with Audit Division recommendations that the findings of the FDR audit be incorporated into a training curriculum; and that the FDR audit be distributed and discussed with the Area FDR Coordinators at their next regularly scheduled FDR Coordinator's meeting.