

**LOS ANGELES POLICE COMMISSION**

**Review of the  
Gang Enforcement Detail  
Work Product,  
Fourth Quarter, Fiscal Year 2003/2004**



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

**ANDRÉ BIROTTE, JR.**  
Inspector General

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## OFFICE OF THE INSPECTOR GENERAL

### REVIEW OF THE GANG ENFORCEMENT DETAIL WORK PRODUCT AUDIT FOURTH QUARTER, FISCAL YEAR 2003/2004

#### EXECUTIVE SUMMARY

##### **I. BACKGROUND**

Consent Decree (CD) paragraph (¶) 131<sup>1</sup> 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 fourth 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, Fourth Quarter, FY 2003/2004*.

##### **II. PURPOSE**

The Office of the Inspector General (OIG) evaluated the audit report for quality, completeness, and findings as required by CD ¶135. The audit report was received by the OIG on July 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 this audit is non-compliant as it relates to timeliness, however, is submitting its findings with the intent to provide the Board of Police Commissioners with information necessary to facilitate management decisions and to further enhance the public accountability of the Department.

##### **III. OVERVIEW OF THE DEPARTMENT'S AUDIT**

Audit Division examined the work product<sup>2</sup> authored by GED personnel assigned to Operations South Bureau (OSB), and Hollenbeck, Southeast, Foothill and Hollywood

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<sup>1</sup> Audit Division evaluated compliance with ¶¶131(b), selection criteria; and 131(d), CI packages through two separate audits. The OIG completed its review of those audits and did not identify any anomalies as it relates to the Areas audited during this quarter. Paragraph 131(e), the roles and conduct of gang supervisors, will be evaluated by the Bureau Gang Coordinator as part of its inspections.

<sup>2</sup>Work product included: arrest, booking, and charging reports; UOF investigations; search warrant packages; probable cause arrest (Ramey) warrant packages; CI packages; and Field Daily Reports (FDR). Release From

Areas during the month of February 2004. Audit Division identified and evaluated the work product of 154 officers assigned to GEDs. A total of 312 arrest reports were identified, 133 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 179-arrest report packages, one search warrant, nine Non-Categorical Use of Force (NCUOF) reports, and no CI packages. The nine NCUOF incidents by GED officers identified for this time period were not evaluated, as the investigation had not completed the chain of command review cycle. Audit Division limited its review of these uses of force (UOF) incidents to verification that an investigation was initiated when required and conducted by an uninvolved supervisor.

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 compliant with authenticity review and underlying actions and non-compliant with completeness and supervisory oversight. Of the Areas evaluated, the work product of GED officers assigned to the Hollenbeck Area was the most thorough and complete at 100% compliance, while the work product of GED officers assigned to OSB and Hollywood Area contained significant anomalies causing the compliance level to fall far below the 95% compliance level at only 75% and 79% respectively.

#### **IV. OIG METHODOLOGY**

The OIG's review 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 27 incidents consisting of 10 multiple arrests for a total of 37 arrest reports.<sup>3</sup> The OIG also evaluated the search warrant. The NCUOF investigations were not reviewed as part of this audit. As of the date of the OIG's review, Audit Division informed the OIG that six of the nine NCUOF investigations were available for review and were reviewed as part of the GED NCUOF Supplemental Audit<sup>4</sup>.

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Custody (RFC) Reports without narratives and citations or arrests completed on a citation were excluded from the population.

<sup>3</sup> This sample was selected using a one tail test with a confidence interval of 95% and a plus or minus 7% error factor.

<sup>4</sup> The OIG reviewed this audit and provided its findings through a separate report that was approved and adopted by the Board of Police Commissioners on December 14, 2004.

## V. OIG FINDINGS

Audit Division's report was well written, effectively summarized the audit findings, and provided the appropriate action needed 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. 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 any arrests. Based on the foregoing, the OIG concludes that quality, completeness and findings of the report overall are sufficient.

Furthermore, the OIG concurs with Audit Division that the work product of the GEDs improved significantly resulting in many of the Areas being in compliance or increasing the level of compliance with the mandates of the Consent Decree. The OIG concurs that the implementation of recommendations from previous audit findings, as well as changes, and adherence to, policy and procedure are the contributing factors.

### *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 would be required for a basic review of the work product. The work product was considered incomplete if documentation could not be located thus causing that work product to be held out of compliance.

Audit Division found the Department's overall compliance level to be 94%. 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. Work product that contained the above issues did not meet the compliance standard for the Authenticity Objective.

Audit Division determined that 98% 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. Audit Division determined that 95% of the work product met the Underlying Actions 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 concluded 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, and/or initiation of an UOF investigation when articulated in the work product. Audit Division determined that 93% of the work product met the Supervisory Oversight Objective.

Audit Division found that of the 189 work product evaluated, 13 (7%) 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

documentation on the Booking Approval that a search occurred, however, the searching employee's name was not included in the search information.

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 no incidents in which GED personnel utilized a CI. The OIG concurs with this assessment.

*GED - Search Warrant Packages*

The OIG's review of the search warrant did not identify any issues related to completeness, authenticity review, underlying actions or supervisory oversight.

*Other Related Matters*

Patterns of Conduct

Audit Division did not identify any patterns of conduct in this audit.

**VI. POST-AUDIT MEETING WITH AUDIT DIVISION**

The findings were discussed with Audit Division on October 6, 2004. Audit Division concurs with the OIG's findings.

**VII. RECOMMENDATIONS**

The OIG concurs with Audit Division that the findings of this audit are consistent with previous GED work product audits. Additional recommendations are not required.