

LOS ANGELES POLICE COMMISSION
EXECUTIVE SUMMARY OF
THE DEPARTMENT'S
MOTOR VEHICLE AND PEDESTRIAN STOP
DATA COLLECTION AUDIT
FOURTH QUARTER
FISCAL YEAR 2003/2004



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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OFFICE OF THE INSPECTOR GENERAL

EXECUTIVE SUMMARY OF THE DEPARTMENT'S MOTOR VEHICLE AND PEDESTRIAN STOP DATA COLLECTION AUDIT FOURTH QUARTER - FISCAL YEAR 2003/2004

I. BACKGROUND

Consent Decree (CD) paragraph (§) 128 mandates the Los Angeles Police Department (LAPD or Department) to conduct a regular and periodic audit of a stratified random sample of motor vehicle and pedestrian stops. The audit shall entail a review for completeness of the information contained and an authenticity review to include an examination for “canned” language, inconsistent information, lack of articulation of the legal bases for the applicable action or other indicia that the information in the document is not authentic or correct. The review shall also assess the information in the related documents to determine whether the underlying action was appropriate, legal, and in conformance with LAPD procedures. To the extent possible, the review shall also evaluate the supervisory oversight of the applicable incident and any post-incident review.

The audit, which was completed on June 30, 2004, was conducted by Audit Division pursuant to the Department's Annual Audit Plan for the Fourth Quarter of Fiscal Year 2003/2004.

II. PURPOSE

Consent Decree §135 requires the Office of the Inspector General (OIG) to evaluate audits conducted by the Department for quality, completeness, and findings. Pursuant to this paragraph the Department is required to provide the OIG with a copy of the audit within one week of completion. The OIG received a copy of the *Motor Vehicle and Pedestrian Stop Data Collection Audit, Fourth Quarter - Fiscal Year 2003/2004* on July 2, 2004, within the specified period mandated by the CD.

Due to staffing resources, the OIG was unable to complete its review within the three-month period allotted by the Independent Monitor.¹ The OIG recognizes that its review of the audit noted above is non-compliant as it relates to timeliness, however, this report is being submitted 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.

¹ It should be noted, however, at the time this Executive Summary report was written, the Monitor was still in the process of completing their review of the Department's audit. Preliminary results of the Monitor's findings were discussed with the OIG. According to the Monitor, their review did not identify any significant deficiencies with the audit.

III. OVERVIEW OF THE DEPARTMENT AUDIT

Scope of the Audit

Audit Division collected Daily Field Activity Reports (DFAR) from Department entities that conducted motor vehicle and pedestrian stops on January 13, 16, 22, and 31, 2004. Audit Division classified field activities as either discretionary or non-discretionary and randomly selected one unit from each Department entity to be included in their sample. The same procedure was utilized to select a sample of stops conducted by Gang Enforcement Detail (GED) officers. Discretionary field activities are defined in CD §§ 30 and 32.² Non-discretionary field activities included radio calls, citizen flagdowns, calls for service, administrative duties, officers responding as backup units, officer responding to “officer needs help” or “officer needs assistance” calls. Field Data Reports (FDR), which records motor vehicle and pedestrian stop data, and other supporting documents were collected and compiled into FDR packets.³

Throughout the audit report, variables specified by Audit Division were used to determine a quantitative compliance rate for each audit objective. The audit measured the following objectives derived from CD §128.

- 1) Completeness
 - a) Completion of FDRs when required;
 - b) Whether FDRs posted to the STOP System;⁴and,
 - c) Completeness of information on each FDR.
- 2) Authenticity Review
- 3) Appropriateness of Underlying Actions
- 4) Supervisory Review
 - a) Post Incident Review of Documentation – Accuracy;
 - b) Post Incident - Evidence of Review; and,
 - c) On-Scene Supervision

Audit Division utilized various sample populations, listed below, to test a variety of processes related to the data collection of motor vehicle and pedestrian stops.

- A grab sample of 96 original FDRs was used to test the reliability of the STOP System, and to determine whether supervisors reviewed the FDR as indicated by the supervisor’s serial number documented at the bottom of each FDR.

² See Appendix A, “Consent Decree Paragraphs.”

³ An FDR packet consisted of the following documents (as applicable): STOP System Field Data Reports, Form 15.43.0; Field Interview Reports (FI card), Form 15.43; Notice to Appear (Citation), Form 5.2.2; Release From Custody Reports (RFC), Form 5.02.8; Arrest Reports, Form 5.2; Receipt for Property Taken Into Custody, Form 10.10; and, Vehicle Reports, Form CHP 180.

⁴ The database used to capture motor vehicle and pedestrian stop data.

- A second sample of 61 randomly selected complaint investigations was examined to determine whether FDRs were completed when required.
- A third sample of 104 stops, which generated 139⁵ FDR-able contacts, was used to evaluate the four objectives derived from CD ¶128. Audit Division conducted three levels of review of the FDRs packets using a matrix and cribsheet.

Audit Division's Conclusions

Audit Division determined the Department's, overall compliance rates to be below 95% with all of the CD ¶128 objectives with the exception of sub-objective "4c - On-scene Supervision." Audit Division made several recommendations as a result of the audit findings.

IV. OIG METHODOLOGY

To assess the quality, completeness, and findings of the audit conducted by Audit Division, a copy of the audit matrix, crib sheet, the audit work plan, and the audit report were evaluated to ensure the audit addressed all relevant areas concerning the collection of motor vehicle and pedestrian stop data. Using the same matrix and crib sheet created by Audit Division, the OIG conducted a two-level review of the FDR packets.

Copies of Audit Division's source documents, audit working papers, and computer files used to capture audit data was also included in the OIG's assessment. The OIG also conducted on-site fieldwork at Audit Division undertaking a review of working papers related to the identification of population and the sampling process.

SCOPE

Using a one-tail test with a plus/minus seven percent error rate, the OIG randomly selected a sample of 25 motor vehicle and pedestrian stops reviewed by Audit Division which contained a total of 35 FDRs (taking into account that one stop may involve more than one person). Due to limited staffing resources, the OIG did not verify either Audit Division's personnel complaint population, or Audit Division's findings concerning personnel complaints examined, to determine whether an FDR was completed when required.

⁵ One motor vehicle or pedestrian stop may involve more than one individual, which may result in multiple FDRs.

V. **OIG FINDINGS**

The OIG found that the quality, completeness and findings of Audit Division's audit and subsequent report to be sufficient. The following provides the details of the OIG's findings.

Audit Division's Methodology and Audit Report

The OIG found that the audit methodology established by Audit Division was very thorough and the findings were accurately documented. The audit objectives were sufficient to adequately assess compliance with the CD as well as Department policy and procedure. The OIG did not identify any issues related to the audit population, audit period, or the sample selection process utilized by Audit Division. Audit Division appropriately stratified FDRs completed by officers assigned to gang units and reported compliance levels as such.

OIG's Findings - FDR Packets

The following provides the OIG's findings by objective.

Objective No. 1 - Completeness

Completion of FDRs When Required

The OIG's sample population identified one FDR that was not completed when required. Audit Division appropriately identified and reported this FDR as an anomaly. The OIG concurs with Audit Division's findings for this sub-objective.

Whether FDRs Posted to the STOP System

The OIG's sample population did not identify any additional FDRs that were not posted to the STOP System. The OIG concurs with Audit Division's findings for this sub-objective.

Completeness of Information on each FDR

Audit Division reported that 19 FDRs lacked required information: three were missing the Incident Number; one did not have the "Warning" box checked; eight did not have the "Field Interview" box checked; four had the "Driver Area" incomplete, and three did not have the "Consent" box checked when it was required.

The OIG's sample population identified five additional FDRs that contained incomplete information. Three had the "Incident Number" section blank, one did

not have the "Citation" box checked, and one FDR had the "Driver" area incomplete. These findings were discussed with Audit Division during a meeting held on October 15, 2004. The referenced findings did not have a bearing on the ultimate conclusion reached by Audit Division with this objective.

Objective No. 2 - Authenticity Review

This objective evaluated each FDR for inconsistent information, lack of articulation of the legal basis for the applicable action, and other indicia that the information on the FDR is not authentic.

The Department was found 86% compliant with this objective because of inconsistent information identified between documents (i.e. FDRs, DFAR, Arrest Reports) including incorrect reporting district number listed, officer serial number was incorrect, the date and time of the stop did not correspond with other documents, etc. Additionally, Audit Division held 55 FDRs non-compliant because its auditors were unable to determine the accuracy of the FDR due to the lack of supporting documentation.

The review of the OIG's sample identified the two additional FDRs that contained inconsistent Incident Numbers when compared with the supporting documents.

Objective No. 3 - Appropriateness of Underlying Actions

Audit Division identified seven instances out of 321 variables where the actions taken by the officer were not in compliance with Department policy and procedure. However, there was no evidence of any unlawful activities in the seven instances identified.

The review of the OIG's sample population did not identify any additional instances of inappropriate underlying actions. The OIG concurs with Audit Division's finding related to this objective.

Objective No. 4 - Supervisory Review

Post Incident Review of Documentation - Accuracy

The OIG found that the findings noted under "Objective No. 1 - Completeness of Information" and the inconsistent information identified under "Objective No. 2 - Authenticity Review" for each FDR were included by Audit Division to appropriately measure compliance with this objective. The OIG concurs with Audit Division's findings for this sub-objective.

Post Incident - Evidence of Review

The OIG's sample population identified three FDRs that did not indicate that a supervisor reviewed the FDR by placing a signature or initials on the form. These three FDRs were appropriately identified as an anomaly and reported by Audit Division. The OIG concurs with Audit Division's findings for this sub-objective.

On Scene Supervision

The OIG's sample population identified three FDRs that had indication that supervisors were on scene. Based on the review of the supporting documents, there were no indications of inadequate supervision by on-scene supervisors. The OIG concurs with Audit Division's findings for this sub-objective.

VI. POST AUDIT MEETING WITH AUDIT DIVISION

A post audit meeting was held with Audit Division on October 15, 2004. On January 18, 2005, Audit Division was provided with the OIG's findings. Audit Division concurs with the OIG's findings.

VII. RECOMMENDATIONS

None.

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APPENDIX A

Consent Decree Paragraphs

Paragraph 30

The term “motor vehicle stop” means any instance where an LAPD officer directs a civilian operating a motor vehicle of any type to stop and the driver is detained for any length of time. Such term does not include: checkpoint stops; roadblock stops; commercial vehicle inspection stops; safe driving award stops; child safety seat giveaway stops; stops related to the execution of arrest warrants where the person being stopped is reasonably believed to be the person named on the warrant; stops directly related to the execution of search warrants; or stops as part of targeted task force prostitution and drug enforcement stings which sole purpose is to identify and arrest persons who engage in or attempt to engage in the targeted unlawful conduct.

Paragraph 32

The term “pedestrian stop” means any instance where an LAPD officer performs a stop (i.e., a temporary restraint where a person is not free to leave) of a person who is not in a motor vehicle. Such term does not include: (i) field interviews of witnesses to or victims of crime; (ii) stops in direct response to the time, place, and circumstances of a call for service for 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; (iii) stops related to the execution of arrest warrants where the person being stopped is reasonably believed to be the person named on the warrant; (iv) stops directly related to the execution of search warrants; (v) stops as part of targeted task force prostitution and drug enforcement stings which sole purpose is to identify and arrest persons who engage in or attempt to engage in the targeted unlawful conduct; (vi) stops related to the declaration of an unlawful assembly by an LAPD supervisor at the scene, and incidental stops related to crowd control; (vii) consensual stops except when such stops are followed by a pat-down/frisk, search or seizure (other than searches or seizures incident to an arrest), preparation of a field interview card, citation or arrest.

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APPENDIX A
Consent Decree Paragraphs (Continued)

Paragraph 104

By November 1, 2001, the Department shall require officers to complete a written or electronic report each time an officer conducts a motor vehicle stop.

a. The report shall include the following:

- (i) the officer's serial number;
- (ii) date and approximate time of the stop;
- (iii) reporting district where the stop occurred;
- (iv) driver's apparent race, ethnicity, or national origin;
- (v) driver's gender and apparent age;
- (vi) reason for the stop, to include check boxes for: (1) suspected moving violation of the vehicle code; (2) suspected violation of the Penal or Health and Safety Codes; (3) suspected violation of a City ordinance; (4) Departmental briefing (including crime broadcast/crime bulletin/roll call briefing); (5) suspected equipment/registration violation; (6) call for service; and (7) other (with a brief text field);
- (vii) whether the driver was required to exit the vehicle;
- (viii) whether a pat-down/frisk was conducted;
- (ix) action taken, to include check boxes for warning, citation, arrest, completion of a field interview card, with appropriate identification number for the citation or arrest report; and
- (x) whether the driver was asked to submit to a consensual search of person, vehicle, or belongings, and whether permission was granted or denied.

b. Information described in (iv), (v), (viii), (ix) and (x) of the preceding subparagraph shall be collected for each passenger required to exit the vehicle.

c. If a warrantless search is conducted, the report shall include check boxes for the following:

- (i) search authority, to include: (1) consent; (2) incident to an arrest; (3) parole/probation; (4) visible contraband; (5) odor of contraband; (6) incident to a pat-down/frisk; (7) impound inventory; and (8) other (with a brief text field);
- (ii) what was searched, to include: (1) vehicle; (2) person; and (3) container; and
- (iii) what was discovered/seized, to include: (1) weapons; (2) drugs; (3) alcohol; (4) money; (5) other contraband; (6) other evidence of a crime; and (7) nothing.

APPENDIX A
Consent Decree Paragraphs (Continued)

Paragraph 105

By November 1, 2001, the Department shall require officers to complete a written or electronic report each time an officer conducts a pedestrian stop.

- a. The report shall include the following:
- (i) the officer's serial number;
 - (ii) date and approximate time of the stop;
 - (iii) reporting district where the stop occurred;
 - (iv) person's apparent race, ethnicity, or national origin;
 - (v) person's gender and apparent age;
 - (vi) reason for the stop, to include check boxes for: (1) suspected violation of the Penal Code; (2) suspected violation of the Health and Safety Code; (3) suspected violation of the Municipal Code; (4) suspected violation of the Vehicle Code; (5) Departmental briefing (including crime broadcast/crime bulletin/roll call briefing); (6) suspect flight; (7) consensual (which need only be checked if there is a citation, arrest, completion of a field interview card, search or seizure (other than searches or seizures incident to arrest) or pat-down/frisk); (8) call for service; or (9) other (with brief text field);
 - (vii) whether a pat-down/frisk was conducted;
 - (viii) action taken, to include check boxes for (1) warning; (2) citation; (3) arrest; and (4) completion of a field interview card, with appropriate identification number for the citation or arrest report; and
 - (ix) whether the person was asked to submit to a consensual search of their person or belongings, and whether permission was granted or denied.
- b. If a warrantless search is conducted, the report shall include check boxes for the following:
- (i) search authority, to include: (1) consent; (2) incident to an arrest; (3) parole/probation; (4) visible contraband; (5) odor of contraband; (6) incident to a pat-down/frisk; and (7) other (with a brief text field);
 - (ii) what was searched, to include: (1) vehicle; (2) person; and (3) container; and
 - (iii) what was discovered/seized, to include: (1) weapons; (2) drugs; (3) alcohol; (4) money; (5) other contraband; (6) other evidence of a crime; and (7) nothing.

APPENDIX A
Consent Decree Paragraphs (Continued)

- c. In preparing the form of the reports required by paragraphs 104 and 105, the Department may use "check off" type boxes to facilitate completion of such reports. In documenting motor vehicle and pedestrian stops as required by these paragraphs, the Department may create new forms or modify existing forms.

Paragraph 128

The LAPD shall conduct regular, periodic audits of stratified random samples of... all motor vehicle stops and pedestrian stops that are required to be documented in the manner specified in paragraphs 104 and 105. The review of these documents shall entail, at a minimum, a review for completeness of the information contained and an authenticity review to include an examination for "canned" language, inconsistent information, lack of articulation of the legal basis for the applicable action or other indicia that the information in the document is not authentic or correct. The review shall also assess the information in the documents to determine whether the underlying action was appropriate, legal, and in conformance with LAPD procedures. To the extent possible from a review of such samples, the audit shall also evaluate the supervisory oversight of the applicable incident and any post-incident review.

Paragraph 131

The LAPD shall conduct regular periodic audits of the work product of all LAPD units covered by paragraph 106. These audits shall be conducted by OHB Detective Support Division. Each such audit shall include:

- a. auditing a random sample of the work of the unit as a whole and further auditing the work of any individual officers whose work product the auditor has observed contains indicia of untruthfulness, other forms of misconduct, or otherwise merits further review;
- b. assessing compliance with the selection criteria set forth in paragraphs 106 and 107
- c. an audit of the type set forth in paragraph 128;
- d. auditing the use of confidential informants by such units to assess compliance with paragraph 108;
- e. auditing the roles and conduct of supervisors of these units;
- f. reviewing the incidents requiring supervisory review pursuant to paragraphs 62, 64, 68, 70 and 71, assessing the supervisor's response, and examining the relationships of particular officers working together or under particular supervisors in such incidents to determine whether additional investigation is needed to identify at-risk practice; and
- g. the audit shall draw conclusions regarding the adherence of the unit to the law, LAPD policies and procedures, and this Agreement, and shall recommend a course of action to correct any deficiencies found.