

LOS ANGELES POLICE COMMISSION

*Review of the Motor Vehicle
and Pedestrian Stop Data
Collection Audit*



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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Inspector General

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF
MOTOR VEHICLE AND PEDESTRIAN STOP DATA COLLECTION AUDIT
CONDUCTED BY AUDIT DIVISION**

I. BACKGROUND

Consent Decree paragraphs 30, 32, 104 and 105, define the terms “motor vehicle stop” and “pedestrian stop” and further provides that Los Angeles Police Department (LAPD) officers complete a Field Data Report (FDR) each time an officer conducts a motor vehicle or pedestrian stop. The paragraphs further require that specific information be captured on the FDR. Paragraph 128 of the Consent Decree requires the LAPD to 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, 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 document to determine whether the underlying action was appropriate, legal, and in conformance with LAPD procedures and to the extent possible an evaluation of the supervisory oversight of the applicable incident and post-incident review.

The Motor Vehicle and Pedestrian Stop Data Collection audit was conducted by Audit Division pursuant to the Department’s Annual Audit Plan for the Fourth Quarter, Fiscal Year 2002/2003.

II. PURPOSE

Consent Decree paragraph 135 requires the Office of the Inspector General (OIG) to evaluate the LAPD’s Motor Vehicle and Pedestrian Stop Data Collection audit for quality, completeness, and findings. The audit was completed by Audit Division and signed by the Chief of Police on August 20, 2003. A copy of the audit report was received by the OIG on August 25, 2003, within one week as required by paragraph 135 of the Consent Decree.

III. PRIOR AUDITS

This is the Department’s first Consent Decree related audit of motor vehicle and pedestrian stop data collection. As indicated by Audit Division, during the initial phases the FDR database, referred to as STOP System, the Department experienced a high FDR error rate related to officer and scanning vendor errors. The Board of Police Commissioners was informed that due to the high error rate the STOP System data from November 1, 2001 through June 30, 2002, was unreliable. By July 2002, the FDR error rate decreased significantly because a new vendor was used to scan the FDRs and the officers were required to self-correct errors identified by the vendor. During July 2003, the Department began issuing revised FDR books that were more user friendly. Audit

Division conducted its review based on the old FDR form, however the findings and recommendations are applicable.

IV. METHODOLOGY

In order to assess the quality, completeness and findings of Audit Division's audit report, the OIG reviewed Audit Division's working documents, including the audit work plan, matrix and crib sheet utilized for the Motor Vehicle and Pedestrian Stop Data Collection Audit. The OIG used Audit Division's matrix to evaluate the five objectives established by Consent Decree Paragraph 128, while ensuring that all supporting documentation (i.e., Field Interview cards, Sergeant Logs, Notices to Appear, primary reports, etc.) was consistent with the information on the FDRs¹.

In attempts to verify completeness of Audit Division's population, the OIG evaluated the following for its sample population:

- The listing noted by Audit Division and prepared by Information Technology Division (ITD) of arrest reports and citations completed by the 54 involved officers in attempts to reconcile the arrest reports and citations obtained;
- Field Interview (FI) cards maintained at ITD in attempts to locate and identify all FI cards completed by the 54 officers for the period audited and compared with their respective Daily Field Activity Reports (DFARs);
- A listing provided by Information Technology Agency (ITA), which provides the number of FDRs referenced on the DFARs completed by the 54 involved officers;
- All 20 DFARs selected by Audit Division were compared to the electronic DFARs maintained by Communications Division that resulted from Mobile Digital Transmissions; and
- All 55-complaint investigations identified by Audit Division as a secondary audit sample to determine whether complaint investigators routinely evaluated/addressed the officers' completion/non-completion of an FDR when required.

Note: The control numbers assigned by Audit Division to the audited items were constructed using the unit identification, watch number, and DFAR line number. For example, Item 8G1W3G referenced unit 8G1, Watch 3, Line G.

The OIG also examined and or conducted the following:

A representative from each Area/Division audited was interviewed to determine the procedure(s) in place for issuing and tracking FDRs. The OIG audited the current procedure(s) to determine if any corrective action had been implemented as a result of Audit Division's findings.

¹ In instances where too little information was provided on the contact for an evaluation of the five objectives, Audit Division reviewed the case overall to identify non-compliance issues or any apparent "red flags." The OIG took the same approach as Audit Division.

Twenty-seven of the 50 DFARs reviewed by Audit Division were randomly selected for review, involving 52 incidents requiring 77 FDRs, including all of the working documents as follows:

AREA/DIVISION	TOTAL DFARs	TOTAL INCIDENTS	TOTAL FDRs
West Los Angeles Area	6	14	31
77 th Street Area	4	6	7
West Valley Area	8	13	15
Hollenbeck Area	5	13	14
Metropolitan Division	4	6	10
TOTAL	27	52	77

The OIG, as did Audit Division, examined each selected DFAR line item in two steps. First, the DFAR was examined for the required information as to the individual line entry. This was recorded on a “master” matrix. Second, for each incident that required an FDR on each line, a separate “supplemental” matrix was completed, documenting the examination of every stop, detention, arrest, or contact involved on that one line. If a DFAR line contained three citations, a master matrix was completed for the line, and three supplemental matrices were completed for the three citations, for a total of four matrices. If that particular DFAR had additional activity lines containing FDR-able activities, additional “master” and “supplemental” matrices were completed to document the examination and findings for those activity lines. Audit Division limited its examination to each line on which the data physically appeared. Since all FDR-able lines were audited, all activity was ultimately audited. In a meeting with Audit Division, it was determined that this approach was used for consistency in its examination.

The OIG concluded that since it audited only a sample of Audit Division’s work, limiting the examination to only the data on each line would have resulted in a partial examination of some activities that officers had recorded on multiple lines. For example, the officers on item 8C23W4H issued 15 citations under incident sequence number 2915 at one location. Their listing of the citations and FDRs began on Line G (six citations) and continued onto Line H (nine citations). Audit Division audited Line G as six FDR-able items and Line H as nine FDR-able items. Since the OIG sample included only Line H, the citations on Line G would not normally be reviewed. For the sake of consistency, the OIG included all 15 citations and FDRs for this event as a single item. Charts were prepared for each of these events (8C23W4G & H; 8XL9W2B, C, & D; and 10X65W3B, C, & D). The OIG examined the entire DFAR to verify that all FDR-able activity had been audited, whether or not the activity was a part of the OIG sample. Consequently,

the FDR population was increased by fourteen and the DFAR population was increased by three.

The OIG additionally followed-up on references in Special Order No. 35, 2001, and the Independent Monitor report dated May 15, 2003, to "PODDS" (Portable Officer Data Device System) devices that were possibly going to be in use by mid-2002 for electronic capture of FDR data. These devices were to be used in place of the handwritten FDRs. Audit Division indicated in its audit report, that the Department will begin using PODDS at the end of 2003. The OIG contacted ITD, who indicated these devices are not yet in use and no data has been collected with them at this time.

Source Documents

The OIG utilized the same source documents identified by Audit Division in its audit report to obtain the correct procedures, use of forms, and definitions for data collection for motor vehicle and pedestrian stops and FDRs.

V. OVERVIEW OF THE DEPARTMENT'S AUDIT

The Department's audit focused on Consent Decree requirements set forth in paragraph 30, 32, 104, 105, and 128. The audit examined a sample of motor vehicle and pedestrian stops that required the completion of an FDR for the date of Friday, February 21, 2003. One Area from each of the Bureaus was selected for the audit population to include 77th Street, Hollenbeck, West Los Angeles, and West Valley. Metropolitan Division was also included due to its high number of discretionary stops and few assigned radio calls. Audit Division purposely excluded traffic divisions from its sample population because they had concluded that the Department overall was not complying with the mandate of the Consent Decree to complete FDRs. In comparison with the rest of the Department, traffic divisions had a better compliance level for completion, which represented a large volume of FDRs. Since Audit Division's purpose for the audit was not to test the Department for compliance with completion of FDRs but only to test the system, they felt it would not be prudent to include traffic divisions as part of its audit population.

Audit Division evaluated each FDR and its corresponding DFAR, arrest report and/or citation using four objectives: completeness; authenticity review; appropriateness of underlying actions, and evaluation of supervisory oversight of post incident. Audit Division basically found that the five Areas/Division were not complying with the mandates of the Consent Decree as it relates to the completion of FDRs for motor vehicle and pedestrian stops.

VI. FINDINGS

The OIG determined that Audit Division's audit of the Motor Vehicle and Pedestrian Stop Data Collection (FDRs) was comprehensive and meticulously planned. The matrix was well designed and included questions to identify the specific issues mandated by

Consent Decree. The discrepancies identified by the OIG were administrative in nature and have no bearing on the validity of the audit. The OIG believes that some of the information contained in the DFAR (the primary audit document) was so highly subjective that different audit findings could certainly result. In instances, where other documents also existed, the review resulted in more objective findings.

The following provides a summary of the OIG findings, by objective, as well as issues and/or concerns as they relate to the FDR database, known as the STOP System:

Population

As previously noted, Audit Division excluded all stops by traffic officers from its audit population. The OIG believes that traffic officers are the most likely within the Department to make discretionary stops of motorists and pedestrians. Audit Division's report (page 21 of 26) notes that of the 610,253 FDRs processed between July 1, 2002 and June 17, 2003, approximately 46% (281,922) were generated by traffic divisions. The stated uncorrected errors per Bureau on the FDRs by these units were similarly high (See table below). The OIG believes that the figures representing uncorrected errors are a red flag deserving of further review, as this high of an error rate may also be a sign of non-compliance in the area of completing the FDRs.

BUREAU	UNCORRECTED FDRs (BUREAU)	UNCORRECTED FDRs (TRAFFIC)	%	TOTAL FDRs	TRAFFIC FDRs	%
Central	186	26	13.98%	135,693	62,822	46.30%
South	376	82	21.81%	112,065	45,621	40.71%
Valley	957	713	74.50%	176,925	89,314	50.48%
West	623	333	53.45%	172,729	84,165	48.73%
Metro	28	0	0%	12,841	0	0%
TOTALS	2,170	1,154	53.18%	610,253	281,922	46.20%

Also, according to the semiannual public report published by the Chief of Police detailing the FDR capture for the period of January 1, 2003 to June 30, 2003, officers completed 240,576 FDRs involving a traffic stop citywide.² During that period, the traffic divisions wrote 133,609 of those FDRs, or approximately 55.5%.

Note: Audit Division indicated that they chose not to include the traffic divisions in the overall population because the total number of FDRs completed by them represented a large volume, and they had already concluded that the Department was not in compliance with the completion of FDRs. The audit was designed to test the STOP System for errors, maintenance of the FDR books, and supervisory oversight of general quality of the data collected. Based on the above, Audit Division concluded it would not have been practical nor prudent to utilize additional staff resources to include traffic divisions.

² http://www.lapdonline.org/pdf_files/boi/fdr/03_06_30/fdr_main.pdf

Audit Division concurred with the OIG that future audits of motor vehicle and pedestrian stops should include, or even exclusively include, all traffic divisions to properly evaluate Department conformity. Audit Division indicated that the next audit will be evaluating the Department for compliance and will include traffic divisions as part of its audit population.

Objective No. 1 - Completeness

Audit Division determined that completeness was achieved when officers completed FDRs for all required contacts, and the FDRs contained complete information and was properly posted to the STOP System. Audit Division noted officers were more likely to complete an FDR in instances where a citation or other document was also completed. Whether the officers are unlikely to complete an FDR in cases where no other documents are generated, the OIG believes is purely speculative. The OIG believes that in the instances where no additional documentation was generated, it is impossible to determine whether or not an FDR-able activity occurred. Consequently, this theory cannot be supported.

Objective No. 1 a. - Thoroughness by Officers in Completing FDRs when Required

Audit Division used the DFAR as the primary source document to evaluate compliance with this objective. A sample of personnel complaints was also examined for any FDR-able activity. The following represents the OIG's findings that were not identified by Audit Division:

The OIG used the DFARs and supporting documents to determine if an incident was "FDR-able." When it was determined that an incident required an FDR and an FDR was present, the thoroughness test was satisfied (at times, this became quite subjective). The following represents the OIG findings:

- **8A1W30** – This incident involved an officer's response to a prowler call at 0430 hours. The call was cleared "Subject waiting for wife only-advised." At first glance, this might lead one to believe that a person had been detained and an FDR was required. However, when looking at the DFAR more closely, one can see that a notation of "W/WV" appears on the disposition line, and the notation, "ALAN12," a possible personalized license number, appears in Box 7 of that line. The time expended on this call was 10 minutes, the smallest increment of time used by this officer on his/her DFAR. The electronic DFAR comments show that the subject had a baby with him. It could be reasonably deduced that the officer arrived on scene, observed the man and baby, ran a want and warrant check on the *vehicle* and quickly determined by talking to the man that he was waiting for his wife. This item on the DFAR did not include an FDR or any other document.

This incident was discussed with Audit Division on February 5, 2004. The DFAR notations were interpreted differently in their examination. The W/WV was seen as a

want and warrant check on a *person*, as the LAPD does not note vehicle plates where “ALAN12” was written. They opined that “ALAN12” was actually “ALANIZ,” a person’s name. To view the DFAR in the most critical light, this was seen by Audit Division as an FDR-able event. The OIG believes there is insufficient data to flatly contend that this was an FDR-able event. The OIG understands that there were two plausible evaluations of this incident, therefore in its opinion an “Unable to Determine” conclusion is more appropriate than it being deemed an FDR-able activity.

- **8XL9W2D** – In this incident, Audit Division noted that the FDR was missing for Citation #6643092. The OIG could not determine if Audit Division attempted to locate the FDR. The OIG identified what is probably the missing FDR number (#1586376), based on an examination of the associated FDR and cite numbers for this DFAR (See Methodology Section of this report for explanation). The OIG attempted to retrieve a copy of the FDR from ITD, however the original could not be located.
- **4G15W5K** – Audit Division noted that all FDRs were present, the OIG does not concur. The STOP System copy of FDR #1685778 reflects an associated FDR #1681227 for a pedestrian stop. There is no reference to FDR #1681227 on the DFAR or in the Audit Division matrices. This was addressed with Audit Division, who verified the STOP System, which revealed that the FDR was completed by a different Officer (Serial No. 33800) on February 22, 2003, at 0030 hours. This date and time closely matches the date and time of the incident. The OIG obtained the DFAR for that officer (Serial No. 338004G1) and noted that it properly documented FDR #1681227 in connection with this same call (incident 0133). The OIG obtained a copy of FDR #1681227 from ITD and determined it had been properly completed.
- **4A9W3G** – As noted by Audit Division, the OIG concurs there was no FDR completed or referenced for this event. However, the OIG found evidence on the DFAR that two warrant checks were conducted probably requiring two separate FDRs instead of one noted by Audit Division (See DFAR box 23 on page 1). The audited line (line G) is the only line on the DFAR that indicates "WW."

Objective No. 1b - Completeness of Information on each FDR

The FDRs were examined to ensure that all information required by the Consent Decree was present, and that the FDR was posted to the STOP System without pending corrections.

Each FDR was examined to ensure that the required information was present. The completeness was measured by the data found in the supporting documents available for review, including FI cards, citations, Release from Custody (RFC) forms, Arrest Reports, Vehicle Reports, etc. The FDR was complete when all required information was present. The OIG identified a few FDRs in which its findings did not concur with Audit Division’s findings. The issues were not significant in nature and resulted from either Audit Division responding inaccurately to the matrix question or not having requested the

additional document to verify its finding. Audit Division limited its review to the items randomly selected for review (See Appendix A for OIG's findings). The OIG's finding did not change the outcome of Audit Division's ultimate finding.

Electronic DFARs

Audit Division examined twenty randomly selected electronic DFARs (Mobile Digital Terminals) maintained by Communications Division. Audit Division's review did not identify any additional FDR-able activities. The OIG's examination of these items resulted in the same finding.

Complaint Investigations

Audit Division reviewed as a secondary sample 55 complaint investigations to determine whether complaint investigators routinely evaluated/addressed the officers' completion/non-completion of an FDR when required, and to survey the compliance rate. The complaint investigations selected involved complaints that were initiated after July 1, 2002 and closed in January 2003. Audit Division identified 17 complaints that involved an FDR-able activity, in which the officers had 23 FDR-able contacts.

The OIG examined the same 55 complaint investigations and determined that only 15 involved an FDR-able activity, in which the officers had 22 FDR-able contacts. The two complaints deselected by the OIG are as follows:

- **CF No. 02-3400**- This complaint involves two officers riding a bus who encountered a man (transient) sleeping on the floor. The officers ordered the man to leave the bus. Based on a review of the complaint investigation, it does not appear that the man was detained. The man left the bus without being searched and a Field Interview Card was not completed. Furthermore, video still photos were included in the complaint investigation, which support that a detention did not occur.
- **CF No. 02-3227** – This complaint involves an officer who is accused of “escalating” the encounter when he demanded that the complainant not return to the location or he would go to jail. The complainant was a homeless person who was told to leave a private parking area where he had been living in his vehicle. The complainant apparently left his vehicle for a short time, and returned to find officers checking on it. There is no evidence in the complaint investigation that suggests that the officers detained the complainant. The OIG believes that merely asking a person to leave under threat of arrest is not a detention, therefore not requiring an FDR.

In the post audit meeting with Audit Division, these two events were extensively examined and debated. In examining these two events, Audit Division relied on Training Bulletin XXXIII, Issue 2 (February 2001), which discusses “Elevating Consensual Encounters.” It states, in part, that, “*If an officer starts to give orders, demand answers, display a weapon, use a harsh tone, tell the person to stop what he or she is doing, or to move to some other location, the encounter will be viewed as a detention....*” The

ambiguity of “move to some other location” makes this bulletin difficult to rely on. On the one hand, this could mean that every instance in which an officer tells a person to “move on” or “leave an illegal party” an FDR would be required. On the other hand, this could be construed to apply only to cases in which a person, the subject of a consensual encounter, is moved to a particular location like a police vehicle, not away from a location.

The OIG believes that when an officer tells a person to *leave* a location, whether a party, a bus, or someone’s private party, is the antithesis of a detention, not a form of one.

Recommendation:

It is recommended that the Department clarify for **purposes of FDRs**, what constitutes a detention and requires the completion of an FDR. For example, is an officer required to complete an FDR when he/she have directed a person to move away from a specific location, such as a person sleeping on a bus who is told to leave, a person(s) told to leave a party, demonstrators ordered to disburse, etc..

Objective No. 2 - Authenticity Review

Audit Division evaluated each FDR identified in the DFAR sample for inconsistent information, lack of articulation of the legal basis for applicable actions (to the extent possible), and other indicia that the information on the FDR was not authentic or correct. A review for canned language was not possible, as the FDR does not have sufficient narrative to evaluate for this aspect of authenticity. The information on the FDR was expected to be consistent with the information in the supporting documents. For instance, when an FDR indicated that a consent search was undertaken, the supporting documentation was reviewed to ascertain whether or not the search was properly characterized on the arrest report. Authenticity was measured by the consistency between supporting documents and the FDRs.

The OIG noted that officers frequently indicated the initial reason for the stop to be a moving violation when in fact the offense involved an equipment/registration violation (See Control Nos. 8C23W4G, 12G22W7E, 10G32W5H, 4G11W5E, 4G11W5N). The OIG believes this is a significant issue in that the system was designed to identify and deter “racial profiling.” Equipment/registration pretext stops are much more common in profiling situations than are the obvious moving violations. Moving violations tend to be less “discretionary” than equipment/registration violations.

Recommendation:

It is recommended that the Department ensure supervisors carefully examine the citations and reports written in conjunction with FDRs to verify that they properly note whether the initial reason for the stop was for an equipment/registration or a moving violation.

The OIG identified some issues with Audit Division’s matrix responses (See Appendix B for detailed findings) as well as the following issues not noted by Audit Division.

- **41R82C** - The FDR clearly listed that the subject was asked to submit to and then granted a consensual search. The search authority was listed as “Consent” and “Incident to Arrest.” The arrest report, however, made no mention of the consensual search, but clearly documented a lawful search incident to the arrest. Logically, these two search authorities could be mutually exclusive for purposes of an FDR. Although it is possible to have both authorities come into play, only one should be the *initial* authority to search.

The OIG believes that in the stated case, consent was unnecessary, as the arrestable conduct was observed upon contact with the arrestee. The arrest was predicated on the observations prior to the search, not on the fruits of the search, although the fruits of the search developed into *additional* charges. There was no need for a consent search, and the inclusion of this search authority on the FDR rendered it inconsistent with the supporting documents. Despite the required data being present, the inconsistencies noted rendered this FDR as non-compliant. As Audit Division noted, the problem exists because the supervisor approving the arrest report is usually not the supervisor approving the FDRs and DFARs at the end of watch. The OIG believes that these inconsistencies can be damaging and punitive for the Department and the City.

Recommendation:

- It is recommended the Department require the same supervisor approve FDRs and connected arrest reports for consistency.
 - **10A57W3K** – The OIG determined that two FDRs (Nos. 1961089 and 0051959) were completed using the same booking number that involved two separate suspects. Based on this finding, the OIG has concluded that the STOP System is not designed to reject FDRs, which contain the same booking or citation number.

Recommendation:

- It is recommended that the Department modify the STOP System so as to reject multiple FDRs, which contain the same booking or citation numbers.

Objective No. 3 - Appropriateness of Underlying Actions

Audit Division assessed the appropriateness of underlying actions, using both written and deduced rationales for the officers’ actions, to the extent possible with the sometimes limited documentation available. Written rationales were found in the citation narratives, arrest reports, and other documents when present. Deduced rationales were reached by applying common sense reasoning to the very limited data on a DFAR and/or FDR when other documents were not present. In some cases, there was simply insufficient data available to make a determination as to the appropriateness of the underlying actions.

Audit Division found only one event that was, in their opinion, out of compliance. That event, 41R11D, was not a part of the OIG sample population. No other events within the OIG sample population were found to be deficient in this area.

Objective No. 4 - Supervisory Review of Post Incident Supporting Documents Related to Each Activity

Audit Division evaluated supervisory post-incident review to determine whether supervisors reviewed the FDRs and related documents to ensure that the underlying actions of officers were appropriate, and that all related documents were soundly completed. Compliance with this objective was determined by the presence/absence of evidence of supervisory approval on all related documents; whether the FDRs were completed when required and the presence/absence of omitted items or inconsistencies on the FDRs. Audit Division did not review the FDRs for an indication of supervisory approval since none of the citation copies obtained from the Audit Division included the back of the citation.

The OIG examined all of the DFARs, all FDRs, and all of the other supporting documents to evaluate the level and quality of supervisory review of post incident supporting documents. Each document was examined for supervisory approval (where required) and then for errors and omissions that should have been noted by the supervisor (See Appendix C for detailed findings).

Original FDRs

Audit Division used 96 original FDRs in their tests of scanning reliability. These same 96 FDRs were used to test for supervisory oversight. They were examined for evidence that a supervisor had reviewed them. A supervisor had not reviewed 15 of these original FDRs. The OIG also examined these FDRs and concurred with the Audit Division's findings.

VII. OTHER RELATED ISSUES

The Consent Decree requires that officers correctly complete a written or electronic report to document motor vehicle or pedestrian stops, with few exceptions. Audit Division identified additional issues that indicated that there is an incomplete population of FDRs in the STOP System, which affects the Department's ability to audit the FDR process. The OIG did not always concur with Audit Divisions findings regarding the STOP System Errors (See Appendix D for detailed findings).

Maintenance and Control of FDR Books

In order to assess compliance with Special Order No. 35, 2001, Special Order No. 29, 2003³, and all applicable Department Manual Sections, OIG personnel conducted site

³ This Special Order (page 7) indicates that Section 3/213 is added. There is no Section 3/213 in the 2001 or 2002 DM.

visits at the five selected Areas from which FDRs and DFARs had been obtained to review the systems in place for tracking the issuance and return of FDR books. Ten FDR books were reviewed at each Area utilizing a “grab sampling” method.⁴ The following represents the OIG’s findings:

- Metropolitan Division, West Valley, and 77th Street Areas use the correct form (Form 15.43.02) for tracking the issuance of FDR books. West Valley Area however records the *return* of books on the STOP System only. West Los Angeles Area has created its own form to track the issuance of FDR books. Although, Hollenbeck Area indicated it maintained a tracking system, the OIG was unable to verify that a tracking system was in place because the tracking logbook had been missing for more than two weeks.
- None of the audited FDR book copies contained evidence of correction fluid on them.
- All but Hollenbeck Area maintained a procedure for retrieving FDR books from officers leaving the Area to new assignments.
- The voided white copy of FDR #2116763 was found in the FDR book at Hollenbeck Area. The white copy should have been attached to the DFAR when submitted.

VIII. POST AUDIT MEETING

A post audit meeting was held with Audit Division on February 3, 2004. Audit Division did not always concur with the OIG’s findings. Audit Division introduced an opposing interpretation supporting its position on certain issues and since some of the areas are so subjective the OIG believes either response could be correct. The issue of including the traffic division’s FDR-able activities in its audit population was discussed with Audit Division and they agreed with the importance and indicated that they will be including them in the upcoming audit scheduled for the 4th Quarter of Fiscal Year 2003-2004. Audit Division concurred with the OIG recommendations.

IX. CONCLUSION

Audit Division conducted a complete and well-designed audit that examined all procedural compliance issues identified in the Consent Decree, which included a review for completeness of the information contained and an authenticity review. The audit also assessed whether the underlying action was appropriate, legal, and in conformance with LAPD procedures and an evaluation of supervisory oversight of the incident. Audit Division identified and properly followed-up on all issues that required immediate action by the Department.

⁴ The FDR books are maintained in storage boxes and/or file drawers at the Areas. A “grab sampling” selection process, is a method of random selection that that does not utilize a random number generator because a pre-selected random/index is not feasible.

X. ACTION TAKEN

None.

XI. RECOMMENDATIONS

The OIG concurs with Audit Division's recommendations and further recommends the following:

- It is recommended that the Department clarify for **purposes of FDRs**, what constitutes a detention and requires the completion of an FDR. For example, is an officer required to complete an FDR when he/she have directed a person to move away from a specific location, such as a person sleeping on a bus who is told to leave, a person(s) told to leave a party, demonstrators ordered to disburse, etc.).
- It is recommended that the Department ensure supervisors carefully examine the citations and reports written in conjunction with FDRs to verify that they properly note whether the initial reason for the stop was for an equipment/registration or a moving violation.
- It is recommended the Department require the same supervisor approve FDRs and connected arrest reports for consistency.
- It is recommended that the Department modify the STOP System so as to reject multiple FDRs, which contain the same booking or citation numbers.

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APPENDIX A**Completeness of Information on each FDR****Administrative Issues**

Control Number	Issue
8C23W4AE	Audit Division did not note that the FDR for this incident indicates an incident sequence "0000," which should have been "2445" based on the DFAR. The "0000" entry is reserved for instances where an incident number is not readily available. The officers should have indicated "2445" on the FDR.
12G23W7F	Audit Division indicated the officer failed to check "Narco" along with "Suspect Flight." The OIG believes "Suspect Flight" was adequate and correct, rendering this FDR as complete.
12G21W7D	Audit Division noted the search authority was not indicated, for that reason the FDR lacked information required by the Consent Decree. The OIG believes that the FDR lacked information required by both the Department Manual and the Consent Decree. The DFAR reflected a "ped stop" for jaywalking and the FDR indicates that this was a consensual stop.
10A57W3K	Audit Division noted the FDR was deficient with respect to the search. The OIG found that the entire FDR was totally void of valid and required information, i.e., suspect's gender, search authority, what was searched, items taken, and action taken are all in error.
4A9W3G	Audit Division indicated that using the book copy, they were unable to determine that the FDR was completed in its entirety. After examining the available document, the OIG found that all-requisite information was present, and therefore this FDR was compliant.
8G1W3G	Audit Division found a discrepancy with the event times noted on the various documents, including the DFAR, citations, Field Interview Card, Impound Report and FDR. The OIG found that the timeframe for this event was in fact consistent, as all of these documents were created between 2145 hours and 2300 hours as indicated on the DFAR. The OIG found that there was no issue with consistency.

APPENDIX B**Authenticity Review****Administrative Issues**

Control Number	Issue
41R11E	Audit Division indicated there was a lack of consistency in the initial reason for the stop. The OIG disagrees, as this was a stop made by officers assigned to Metropolitan Division, the suspect was on parole for sale of narcotics, and the initial reason for the stop was <u>properly</u> listed as “H&S Violation.” Although, the officers lawfully employed a pretext stop (equipment violation), their real purpose was a suspected narcotics violation.
8C23W4H	Audit Division indicated a clear inconsistency on the “Apparent Descent” of the suspect. The OIG believes that the officer’s perception is highly subjective, therefore considering the limited documentation, it is impossible to evaluate the officers’ observation. The OIG does not consider this an anomaly.
41R11G	Audit Division indicated that the initial reason for the stop of these four suspects was inconsistent with other documentation. The OIG believes that the <u>initial</u> reason for the stop for all four suspects is well supported. The officers’ observed numerous suspects drinking in public, four were detained and FI’d.
41R82C	Audit Division identified a discrepancy between the FDR and the Arrest Report with respect to search type. The FDR reflects a consent search was requested and granted. Yet, the Arrest Report only mentions search incident to the arrest. The OIG believes this issue involves inconsistent information and not an issue with regards to the lawfulness of the search. Notwithstanding the inconsistency, the arrest offense was observed before the stop. There was immediate authority to stop, arrest, and search incident to that arrest. The search authority developed prior to the stop, not from the stop. The OIG concurs that the information is inconsistent, however does not believe it is significant.
12G22W7E	Audit Division did not note that the officer should have checked “Registration/Equipment” instead of “Moving Violation.”
8C23W4G	Audit Division did not note that the officer should have checked “Registration/Equipment” instead of “Moving Violation.”

APPENDIX B (Continued)

Authenticity Review

Administrative Issues

Control Number	Issue
10A57W3K	<p>This incident involved two suspects (male and female). As it relates to the male suspect, Audit Division was unable to determine if the search authority was consistent with the supporting documents. The OIG found that for this suspect (male), the FDR is correct and there is no inconsistency. The search involved a parolee in a motel room and the officers obtained the renter’s permission to enter and search the room. Having obtained permission from the renter, the officers’ had authority to enter the room, and under the suspect’s parole conditions, the officers’ had the authority to search him and anything under his control.</p> <p>Audit Division indicated that the FDR information and logic are consistent. The OIG believes, however that the information is not consistent and a logic error is present. The OIG believes it is illogical to answer “yes” to the question “detainee asked to submit to a consensual search?” and “yes” to the question “granted?” and not require “consent” as the search authority. The STOP System has been modified to correct similar errors, but not this particular situation.</p> <p>For FDR #0051959, the “Booking Number” field should not have been filled in. Audit Division did not note this.</p>
10G32W5H	<p>Audit Division did not note that the officer should have checked “Registration/Equipment” instead of “Moving Violation.”</p> <p>The OIG does not concur with Audit Division’s finding that the “Actions Taken” on the FDR was consistent. The OIG considers this issue a matrix failure, as it is too restrictive. An additional response noting an inconsistency not amounting to an anomaly should be included.</p>
4G15W5K	<p>Audit Division did not note the one-hour time discrepancy between the FDR and DFAR.</p>
10G32W5H	<p>Audit Division did not note that the officer should have checked “Registration/Equipment” instead of “Moving Violation.”</p>

APPENDIX B (Continued)

Authenticity Review

Administrative Issues

Control Number	Issue
4G11W5E	Audit Division did not note that the officer should have checked "Registration/Equipment" instead of "Moving Violation."
4G11W5N	Audit Division did not note that the officer should have checked "Registration/Equipment" instead of "Moving Violation."

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APPENDIX C

**Supervisory Review of Post Incident
Supporting Documents Related to Each Activity**

Administrative Issues

Control Number	Issue
8G1W3G	The OIG does not concur with Audit Division’s finding that the supervisor failed to note an inconsistency with the search. The OIG believes the search was lawfully based on an arrestable misdemeanor offense, which was ultimately cited out in the field. Further, the OIG did not find an issue with the pat down search, vehicle search, and search incident to the arrest.
8A1W3O	The OIG believes that because of the notations on the DFAR, which can be subjectively interpreted in two ways, this issue should not have been held out of compliance for supervisory review (for detailed findings, <u>See Objective 1A</u>).
8A1W3P	The OIG disagrees with Audit Division that the FDR was not referenced on the DFAR. The FDR was listed on Line Z of the DFAR.
8C23W4H	Contrary to Audit Division’s findings, the OIG after examining all documents, did not find any failure in supervisory review in connection with this event.
41R11E	Audit Division questioned the propriety of the search, the OIG believes there is no issue with regard to the search as the subject was on active parole for narcotic sales and subject to search.
41R11G	Audit Division found that the supervisor failed to note discrepancies on the reason for the stop. The OIG believes the FI cards taken together and in context, show no failure of the supervisory to review.
12G23W7F	Audit Division noted a supervisory oversight for not noting that the officer only checked “Suspect Flight” and not “Narco” as the initial reason for the stop. The OIG believes that “Suspect Flight” alone was sufficient as the initial reason for the stop.
10A57W3K	Audit Division noted on the face sheet of its matrix that two FIs were missing. The OIG does not concur, as no FIs were referenced in the package.

APPENDIX C (Continued)

**Supervisory Review of
Post Incident Supporting Documents Related to Each Activity**

Administrative Issues

Control Number	Issue
10G32W5H	Audit Division did not note the supervisor review failed to note the inconsistency in the reason for the stop. The officer indicated it was for a moving violation when it was actually an equipment/registration violation.
4G11W5E	Audit Division did not note the supervisor review failed to note the inconsistency in the reason for the stop. The officer indicated it was for a moving violation when it was actually an equipment/registration violation.
4G11W5N	Audit Division did not note the supervisor review failed to note the inconsistency in the reason for the stop. The officer indicated it was for a moving violation when it was actually an equipment/registration violation. The Vehicle Report indicates this to be a equipment/registration violation.

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APPENDIX D

STOP System Errors

Control Number	Issue
8G1W3G	The OIG disagrees with Audit Division’s finding of a STOP System error. The system could not have recognized the officer’s failure to check the FI or Impound Inventory boxes in the given circumstances.
8XL9W2C	The OIG disagrees with Audit Division’s finding of a STOP System error. The system could not have recognized the officer’s failure to input the correct RD number.
10A57W3K	The OIG found that the STOP System in this event accepted two FDRs with the same booking number. This is a clear logic error, as no two persons can have the same booking number.

Note: The OIG noted STOP System errors and discovered through Audit Division that the programming changes have been implemented to correct them.