

INTRADEPARTMENTAL CORRESPONDENCE

July 10, 2020
1.14

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: REVIEW OF CALGANG DATABASE ENTRIES BY THE METROPOLITAN DIVISION AND THE GANG ENFORCEMENT DETAILS

RECOMMENDED ACTION

That the Board of Police Commissioners REVIEW the Office of Constitutional Policing and Policy's Staff Report Regarding the CalGang Database.

DISCUSSION

Over the past six months, the Office of Constitutional Policing and Policy (OCP) conducted a review of the Los Angeles Police Department's (Department) entries into the CalGang Database (Database). The review included an examination of Field Interview Cards (FIs) and Body Worn Video (BWV) by the Metropolitan Division and the Gang Enforcement Details.

The OCP's review concluded that the Department's FIs were not completed in a consistent manner. The review further revealed that Department employees often provided little information beyond restating the criteria required to enter someone into the CalGang Database. Additionally, a review of officers' Body Worn Video, at times contradicted officer's statements based on the information documented. Nevertheless, those subjects were entered into or retained in the CalGang Database and a small number of individuals were entered into the database without the requisite number of criteria. Conversely, a large percentage of eligible FIs were not entered into the CalGang Database. Finally, the review identified 16 instances of potential misconduct that were referred to Internal Affairs Group for further investigation.

Given the extent of the inaccurate information found, including instances of false information, I have decided to permanently withdraw the Department's participation in the Database System.

Further, I am implementing a working group to develop appropriate investigative strategies to address gang violence in lieu of the past reliance on the Database. Additionally, the OCP will draft a Notice to remind Department personnel of the expectation to accurately report information and for supervisors to review FIs for completeness and validity. The Data Integrity Unit will begin conducting periodic inspections of FIs for reliability. Furthermore, the FI system should be automated and placed on officers' mobile phones. This will allow the officer to write a more expansive narrative about the interview. The automated system would provide for better tracking and faster review by the officer's command.

Honorable Board of Police Commissioners
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If additional information regarding this report is required, please contact Director Lizabeth Rhodes, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,

A handwritten signature in blue ink, consisting of a stylized, cursive 'M' followed by a loop and a long horizontal stroke extending to the right.

MICHEL R. MOORE
Chief of Police

Attachment

INTRADEPARTMENTAL CORRESPONDENCE

July 9, 2020
1.14

TO: Chief of Police

FROM: Director, Office of Constitutional Policing and Policy

SUBJECT: REVIEW OF THE CALGANG DATABASE ENTRIES BY THE METROPOLITAN DIVISION AND THE GANG ENFORCEMENT DETAILS

Over the past six months, the Office of Constitutional Policing and Policy (OCP) conducted a review of the Los Angeles Police Department's (Department) entries into the CalGang Database (Database). The review included an examination of Field Interview Cards (FIs) and Body Worn Video (BWV) by the Metropolitan Division and the Gang Enforcement Details.

STAFF REPORT REGARDING THE CALGANG DATABASE

I. OVERVIEW

Over the past six months Audit Division has taken an in-depth look at the Los Angeles Police Department's (LAPD) entries into Database. This review has included an examination of Field Interview Cards (FIs) and Body Worn Video (BWV), as well as the quantity and quality of information entered into the Database from both Metropolitan Division (Metro) and Gang Enforcement Detail (GED).

Audit Division's review concluded that Metro's FIs were not completed or entered into the Database in a consistent manner and conversations between officers and subjects were often equivocal and potentially full of different assumptions from each party's perspective. Audit Division further found that the Database's criteria are ambiguous and therefore allow for substantial variation in interpretation. Additionally, Audit Division found that there was not enough review of officers' BWV to determine whether the information on the FIs was supported or at least not refuted by the BWV and, as a practical matter, such review would be too time-consuming to be accomplished on a regular basis. Finally, FIs were completed with insufficient detail to provide meaningful information beyond just having the requisite number of criteria met in order for a person to be eligible for placement in the Database.

Based on these conclusions, Audit Division recommended enhanced training, the development of more specific criteria for entry into the Database, more review by the Gang Impact Team prior to entering an individual into the Database and the automation of the FI system to use technology to make FIs electronic rather than paper documents.

The recommendations made by Audit Division have merit especially when one considers that the Database has been used to solve violent crime in a City where, in the past five years gang-related homicides fluctuated between a low of 54 percent and a high of 65 percent of total homicides,

and overall violent crime (murder, rape, robbery and aggravated assault) was gang-related between 12 percent and 15 percent of the time. However, the Database has also been abused (in the case of the recent criminal investigations) and is the cause of significant community consternation. This concern is validated in part by the ambiguity of the Database's criteria which is further amplified by the irregularity in the use of the Database. While law enforcement claims that the Database is useful, the numbers question that assertion. For example, if the Database were seen as an indispensable tool for law enforcement, one would expect data to be entered more than 50% of the time that eligible data was collected.

Thus, while there are pros and cons of continuing to participate in the Database, at this juncture, for the reasons stated below and based on the data highlighted in those reasons, I recommend that the Department make its moratorium on CalGang permanent and that the Database be used by LAPD only to effect justified requests for status and removals, assist in the investigation and prosecution of those who abused the database, and allow any internal investigations to continue. The rationale for this recommendation is discussed in more detail below. Those issues combined with the fact that a certain small segment of the LAPD appeared to have falsified the Departmental documents that lead to entry into the Database, and the knowledge that the best way to solve crimes is with community involvement and trust, both of which are thwarted by the Database, are the reasons for my recommendation. While LAPD strives to find a better way to police the City, including addressing gang violence, LAPD should not participate in the Database.

II. HISTORY

A. The Database

The CalGang System software was developed in 1997 to provide an accurate, timely, and electronically generated database of statewide gang-related intelligence information. The Database was adopted by the LAPD in 1998.

The Database is designed to provide current gang information to law enforcement agencies (user agencies), allowing those agencies to improve efficiency of their criminal investigations, as well as enhance officer and public safety. The Database is considered a pointer system, in which the records within the system point or refer to source documents maintained by individual law enforcement agencies.

The Database was taken over by California Department of Justice (Cal DOJ) in 2018 as a result of the Fair and Accurate Database Act of 2017.

The current Database has eight criteria and requires at least two unique criteria for an individual to be entered into CalGang Database. Those criteria are:

- Subject has admitted to being a gang member.
- Subject has been arrested for offenses consistent with gang activity.
- Subject has been identified as a gang member by a reliable informant/source.
- Subject has been seen associating with documented gang members.

- Subject has been seen displaying gang symbols and/or hand signs.
- Subject has been seen frequenting gang areas.
- Subject has been seen wearing gang dress.
- Subject is known to have gang tattoos.

While there has been discussion about limiting these criteria, at present Cal DOJ has not further refined or limited those categories.

As such, unless a law enforcement agency enacts a policy further limiting or defining the above criteria, the criteria remain as broad as they are written. Furthermore, any law enforcement agency's policy would apply solely to that agency and the rest of the Database would still be subject to the vagaries and interpretations allowed by the above criteria.

B. LAPD's Investigations into its Use of the Database

Internal Affairs – On December 15, 2018, three Metro officers approached a juvenile subject near his home. Despite the Subject's denial that he was in a gang and that his hat was anything other than a baseball cap, at least one of those officers completed a FI and, in the narrative section falsely asserted that the young man had "self-admitted" to being a member of a gang, frequented a gang area, dressed in gang attire and had a tattoo consistent with gang membership. That FI, containing those false statements was used to place the subject into the Database. The entry caused an inclusion letter to be generated and sent to the subject's mother.

Upon receipt of the letter, the mother and the subject went to their local LAPD station contesting the entry because they lived in the area and thus the subject was outside his residence when the FI was completed, the subject did not admit to being a gang member and he did not have a tattoo. BWV corroborated the mother's claims: the young man denied being in a gang and no tattoo was captured on video or discussed.

The individual was removed from the database.

Additionally, LAPD launched an internal investigation into the officers involved in the stop as well as an investigation to determine the breadth and depth of any misconduct: criminal or otherwise. That investigation led to 19 individuals being investigated for criminal misconduct; a total of 24 officers with administrative allegations pending against them (five plus the 19 with criminal investigations); 10 were and still are assigned to home; and one has been sent to a Board of Rights in which the Department has recommended termination.

Audit Division -- In addition to the Internal Affairs Group (IAG) investigation, the Board of Police Commissioners and the Chief of Police asked Audit Division to review Metro and the way the tactical support platoons completed FIs, as well as the FI's entry into the Database. After that was completed, Audit Division was tasked with looking at GED, where many of the Metro officers work prior to being selected in Metro. In these reviews, Audit Division reviewed the following:

- 255 FIs from Metro's four tactical support platoons. Audit Division compared the FIs to the BWV to determine what information could be corroborated. Audit Division also reviewed the number of FIs entered into the Database to determine the quality, quantity and regularity of information entered into the Database.
- 41 GED encounters that resulted in a subject's first entry into the Database, and 41 GED encounters that resulted in subjects over 35 years old being entered or maintained in the Database. For this review Audit Division reviewed the BWV of these encounters and compared those videos to the information entered into the Database to see what could be corroborated by BWV.

While there are limitations to BWV, given that over 330 encounters were reviewed, from four Metro Platoons and GED units throughout the City, there is enough information to support the conclusions reached herein – that the LAPD discontinue its participation in this archaic and vulnerable Database and be a law-enforcement leader in finding a new and better way to protect the citizens of the City and the State in a fair, reliable and trustworthy manner.

C. The Recent History of the Moratoriums

On June 3, 2020, the Mayor and the Los Angeles Board of Police Commissioners (BOPC) announced a moratorium on *new* entries into the CalGang System until the BOPC completed their review of the entire gang entry/removal process. On June 4, 2020, this message was emailed to all members of the LAPD via the Department Operations Center. Thereafter, the Department's Database Administrators ensured that only certain personnel had access to the Database and those individuals knew that new entries could be made. Department personnel completed a daily query to determine if any new subjects have been added to the Database by the Department. The latest query showed the last new subject to be entered was on June 2, 2020, when four different subjects were entered by Northeast Division.

Thereafter, on June 19, 2020, the Chief of Police placed a moratorium on all use of the Database, including all past entries.

III. ANALYSIS OF AND INFERENCES DRAWN FROM AUDIT DIVISION'S REVIEW

A. LAPD Interprets the Criteria Set Out by Cal DOJ in an Inconsistent Manner Especially regarding the Self-Admission Criterion

One of the most pervasive findings in all the reviews was the inconsistent manner in which officers interpreted the criteria "subject self-admitted to being a gang member" set forth by Cal DOJ for the Database. Problematically, the Database criteria seems to be written in a purposefully vague manner allowing for inconsistent interpretation. Compounding this problem is the fact that it is a commonly applied criterion. In Metro Division, it was the second most frequently noted criteria on the FI cards reviewed (143 notations out of 255 FIs) and in the GED reviews it was also a frequently used criteria (noted as a criteria 45 times in the 82 encounters reviewed).

Despite the frequency with which the criteria or term “self-admitted” was noted on an FI or in the Database, there was little uniformity in the way it was interpreted by officers. For example, in the Metro Review, BWV corroborated that there was a discussion of gang membership between the officer and a subject in 127 of the 255 encounters that produced FIs. However, the conversations were far from uniform in that 55 percent of the time BWV corroborated a subject admitting to *current* gang membership and the other 45 percent of the time BWV corroborated an admission to *prior* gang membership. Despite what could be a significant difference for any investigation, the difference between current and prior gang membership is not noted on the source document (FI) – all 127 FIs indicated that the Subject “self-admitted.” Similarly, in the GED review of encounters with subjects over 35 years of age, BWV confirmed that 19 subjects admitted to some kind of gang membership: 58 percent of the individuals encountered admitted to *current* gang membership and the other 42 percent admitted to *prior* gang membership. Again, the Database makes no distinction for what is most likely an important fact in any investigation.

Moreover, this expansive interpretation of the term “self-admitted” seems to be engrained as many of the Metro encounters started with questions such as, “Where did you used to come from?” The use of prior gang membership to fulfill the “self-admitted” criteria is not part of LAPD official training but seems to nonetheless persist.

While the Database is meant to only be a pointer system, any system is only as good as the data that goes into it, and here, the broad interpretation of the criteria would appear to substantially dilute the meaningful information within the database and make it less useful. For example, while one’s group of friends and associates may be a fruitful ground for investigating a crime, the group of individuals a subject used to be part of may tell an investigator very little about the individuals with whom the subject currently associates. In a world of limited resources, a pointer system should be more refined to produce the best results. The anxiety the Database causes is not worthwhile especially if it produces a poorly aimed pointer system.

B. LAPD Failure to Record Certain Criteria Appears to be Arbitrary

In addition to expanding the definition of certain categories like “self-admission,” in a significant number of cases, officers failed to record certain criteria leading to seemingly arbitrary use of that Database. For example, in the review of Metro, Audit Division reviewed 109 FIs where the officer did not indicate on the FI that the subject self-admitted to being a gang member. Nonetheless, in reviewing BWV for those 109 encounters, 57 percent of the Subjects or 62 individuals admitted to past or present gang membership (with the breakdown being 44 admitting to prior gang membership and 18 admitting to current gang membership). Despite these corroborated admissions, no notation regarding admission was written on the source document (the FI).

Such a finding is troubling.

First, it is further evidence of the inconsistencies with which LAPD interprets the term “self-admitted”: it could mean current gang membership, it could mean prior gang membership, it

could mean both or it could mean neither. The real inference one can draw is that self-admitted is so undefined as to be meaningless.

Second, there is an almost mirror unpredictability to the way FIs are completed. The review of Metro revealed that in about seven percent of all the FIs reviewed (18 of 255) BWV showed that the subject told officers they were a current member of a gang, but that information was not placed on the FI to be passed on to be used in investigations. Conversely, at almost the same rate, in six percent of all the FIs reviewed (16 out of 255) BWV showed that the subject denied, refused to admit or was not asked about gang membership, but the FI noted that the subject self-admitted. These sixteen instances were referred to IAG given the inconsistencies that suggested misconduct on the part of the officer. These encounters will be viewed with the same lens that IAG used to evaluate the misconduct referred to the District Attorney's Office. The capriciousness leading to someone not documented as a gang member, even when they admitted to being an active gang member to the officer at the time of the encounter, combined with others being documented as a self-admitted gang member when they deny gang membership or were not asked about gang membership invalidates the Database.

For individuals to feel safe, the law needs to have a presumption of regularity. Here, at least on the margins, there is a real unpredictability in the way information is collected.

C. LAPD's Entry of Individuals into the Database Appears Haphazard at Best

As stated above, Cal DOJ requires that any entry into or extension of time in the Database be made only after an individual satisfies at least two of the eight criteria. Audit Division reviewed 255 FIs and determined that less than half, about 48 percent (123 of 255) of the FIs contained two or more criteria that made the subject eligible for entry or retention in the Database. Of those 123 FIs that were eligible for inclusion, only 56 (46 percent) were entered into the Database. Moreover, the entry varied widely by Platoon with A Platoon having none of their eligible FIs used to enter individuals into the database and B Platoon having 70 percent entered.

Moreover, there was substantial geographic disparity regarding ineligible entries. For example, West Bureau had 22 FIs that were not eligible for entry into the Database because they did not contain two or more Cal DOJ criteria. None of those were entered. Central Bureau however had 33 FIs that were not eligible. Eleven (33 percent) were entered.

Overall, 20 ineligible FIs were entered into the Database. Thus, while Cal DOJ "requires" two criteria to be eligible for entry or extension, there appears to be no teeth to that requirement as Audit Division found that of the 132 that were ineligible for entry, a full 15 percent were nonetheless entered.

The reasons for such disparities were beyond the scope of the review, but the disparities themselves point to a system that is inconsistent, unreliable and unpredictable and as such will, at the very least, be perceived of as unfair and untrustworthy.

Moreover, to those who argue that the Database is necessary and important, one should ask – why were less than half of the eligible Metro FIs (56 of 123) entered into a Database whose

stated purpose is to provide accurate and timely intelligence information. What other necessary and important things are done less than half the time? While the Database may provide investigators with clues, it leaves too much up to chance, and the LAPD should be able to come up with a better system if they are no longer allowed to use this flawed one as a crutch.

These one-criterion entries, combined with the other issues, contribute to the overall narrative that the vulnerabilities in this antiquated system outweigh the benefits at this time.

D. Some of the Criteria is Outdated and it is Unclear Whether it Should be Used

The Database allows for gang dress, location, gang signs and symbols and gang tattoos to be used to place someone in or extend someone's time in the Database. While these criteria may at one time have been significant, given the current prevalence of gang-culture in individuals' dress, the fact that gangs have co-opted many professional Sports' Teams logos as their own and the pervasiveness of tattoos, these criteria seem outdated. Moreover, in the City of Los Angeles, where the Gang Area Map covers much of the map of the City, and the Database does not exclude a person who lives in that neighborhood from being entered into the Database based on the criteria of "has been seen frequenting a gang area" the criteria seems both irrelevant and unimportant. Additionally, here, as in the other categories, the Database does not have guidelines that limit the way these criteria can be interpreted. These problems are further compounded based on the lack of articulation that many officers place on FI cards and scant information that therefore goes into the Database.

Gang Dress – Of the 82 GED encounters examined by Audit Division gang dress was used 14 times. However, on only one occasion could this gang dress be corroborated. For example, the following is what auditors saw on BWV:

- The Subject was wearing a red sweater, red sweatpants, and white shoes;
- The Subject was wearing a black "LA" hat, gray sweater, and dark blue jeans;
- The Subject was wearing a blue sweater, white tank top, and blue sweatpants;
- The Subject was wearing a black tank top, gray pants, and a baseball cap;
- The Subject was wearing a black shirt and blue shorts;
- The Subject was wearing black long sleeves, black jeans, and black shoes;
- The Subject was wearing a black shirt and gray shorts;
- The Subject was wearing a black shirt and blue jeans;
- The Subject was wearing a black shirt, blue jeans, and black cap;
- The Subject was wearing a gray shirt, black shorts, and black shoes; and
- The Subject was wearing a blue t-shirt, cargo shorts, and a white cap.

It is difficult to say with any confidence that these outfits are somehow different than one sees on the street every day. Indeed, the only time that auditors could corroborate gang dress was when the Subject was wearing a red cap with the letter "B" and the Subject admitted that the cap was gang related.

Tattoos – Similarly, it can be difficult to tell whether tattoos are gang tattoos or other tattoos and in reviewing the FIs, officers were not always descriptive in their narrative as to what the tattoo was or why they thought such a tattoo was gang related.

Gang location – Finally, Audit Division found that 49 of the 82 GED encounters placed or extended someone in the Database based at least in part on the criteria that the individual “Was seen frequenting a gang area. While auditors confirmed that 47 out of 49 times the person was in a gang area based on the Department’s Gang Area Territory Map, this says more about the amount of the City covered by gang territory than the individual encountered by GED.

E. LAPD has no knowledge that other entries are not similarly flawed, or unreliable

While LAPD could institute tighter controls on the use of FI cards and entry into the Database, it has no control over other agencies’ entries into the Database. Moreover, at this time, LAPD’s review of the Database has shown its vulnerabilities. Given this current state, there is no way to assess the reliability of that information that goes into the Database.

IV. PATH FORWARD

A. Investigating Gang Crime

Gang crime will remain a reality in the City of Los Angeles. LAPD will need to be responsive to that crime without being dependent on an outdated Database that is fraught with inconsistencies, inaccuracies and untimely entries. LAPD must come up with a better, more modern way to address gang violence and violent crime perpetrated on and by gangs. The moratorium (as well as the various previous times that the Database was down or inaccessible) has allowed LAPD to see what is truly needed to solve gang crime. I recommend that during this period of re-envisioning, LAPD put together a working group to determine how to solve gang crimes without the use of the Database.

B. Ensuring the Accuracy of FIs

The reviews Audit Division conducted revealed not just the vulnerabilities of the Database, but also LAPD’s need for tighter controls on FIs, as well as better training on their importance and the need for accuracy.

For this reason, even though I recommend that LAPD remove itself from the Database, many of the Audit Division’s recommendations are valid and should still be implemented. For example, LAPD must determine for itself and without regard to the Database, what should be put on an FI or Field Data Report (FDR) and train to ensure that whatever is put on those reports be consistently applied and understood by officers. Moreover, FIs need to be closely reviewed and compared to BWV for accuracy and procedural justice both at the watch commander’s level and at a periodic inspection level. Finally, the FI system should be automated and placed on officers’ mobile phones. This would allow data to be entered and stored electronically. It would allow the officer to write a true narrative about any encounter because an electronic document would expand and not be limited to a 3x5 space. Automation would also allow for better tracking of

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any encounter and allow for faster review by the officer's command and any random but regular inspection done outside of the command.

If additional information is required, please contact the Office of Constitutional Policing and Policy, at (213) 486-8730.

LIZABETH RHODES, Director
Office of Constitutional Policing and Policy

**REVIEW OF GANG ENFORCEMENT DETAIL
CALGANG SYSTEM AND BODY WORN VIDEO
FIRST-TIME ENTRIES
Prepared by Audit Division**

I. OVERVIEW

At the request of the Board of Police Commissioners, Audit Division conducted a review of 41 Gang Enforcement Detail (GED) CalGang System (Database) entries and compared them to the Body Worn Video (BWV) footage that captured the associated field interview to determine the accuracy of information recorded by officers pertaining to a subject's gang affiliation (membership and association). For this review, Audit Division selected only subjects whose contact resulted in first-time entries into the Database. The contacts were made by GED officers Department-wide between January 2018 and December 2019.

Of the 41 entries examined, auditors found that BWV revealed the following:

- In 17 of 41 of the entries (42%), all the criteria entered into the Database regarding the subject was corroborated on BWV;
- In 12 of 41 of the entries (29%) at least two of the criteria required for Database entry, but not all of the criteria entered into the Database, were corroborated on BWV;
- In 9 of 41 of the entries (22%) at least one of the criteria, but not all of the criteria entered into the Database regarding the subject, was corroborated on BWV;
- In 3 of 41 of the entries (7%), auditors could not corroborate any of the criteria used for Database entry.

Auditors also reviewed BWV for other misconduct (including conduct such as foul or profane language used by the officer during contact with the subject). In the 41 entries and associate BWV examined, auditors found:

1. Four incidents (10%) that involved situations where auditors identified potential acts of misconduct; details of the situations appear in Section V.B. of this report; and,
2. 13 incidents (32%) where officers used foul language.

II. METHODOLOGY

Audit Division obtained a population of 1,063 first-time entries into the Database from the GED between January 1, 2018 and December 31, 2019. From this population, a sample of 41 entries and associated BWVs were reviewed to determine if the subjects were properly entered into the Database. To be entered into the Database, each entry must meet two gang membership criteria. Field Interview Cards were *not* used to assess the integrity of the Database entry. Auditors also reviewed the BWV for possible misconduct.

Due to the entries that resulted from an arrest being difficult to assess due to the prolonged nature of the contact and multiple opportunities for the subject to self-admit off-camera during the booking process, they were excluded from review. Also, samples that were entered into the Database by non-GED officers were deselected and replaced as the goal of this review was to evaluate GED.

Audit Division captured the following information relative to the incidents reviewed:

- Incident number;
- Date and time of incident;
- Officer's serial number;
- Source of contact;
- Geographic Area;
- Contact outcome (arrested, cited, or warned);
- CalGang Database Criteria:
 - Subject has admitted to being a gang member.
 - Subject has been arrested for offenses consistent with gang activity.
 - Subject has been identified as a gang member by a reliable informant/source.
 - Subject has been seen associating with documented gang members.
 - Subject has been seen displaying gang symbols and/or hand signs.
 - Subject has been seen frequenting gang areas.
 - Subject has been seen wearing gang dress.
 - Subject is known to have gang tattoos.
- BWV time stamp.

In order for a subject to be eligible for entry into the Database, each entry must meet a minimum of two of the gang membership criteria listed above.

Body Worn Video that provided enough footage to compare information associated with the data entered into the Database was included as part of the sample. In instances where the BWV was incomplete, the BWV was deselected, and a new video was selected in its place.

There were limitations to this review. First, the BWV posed significant limitations for auditors in situations where the cameras offered a narrow view, were obscured by low-light conditions, and/or had limited sound quality due to ambient noise. While auditors could often discern the presence of tattoos, it was sometimes difficult to identify in detail what the tattoos said or represented. This was especially true in low-light conditions. Those limitations, in combination with the ambiguity in the language of the Database criteria, lead to the possibility of over-emphasis on BWV and a belief that it is definitive, when, it is merely corroborative. Lack of corroboration does not necessarily mean there has been a falsification. Second, it should be noted that auditors were comprised of both sworn and civilian employees, some of whom had previous GED experience, and less experienced auditors who consulted with others within Audit Division regarding ambiguities pertaining to gang membership criteria. Finally, in some situations, multiple officers' BWV were viewed to obtain the best view or audio because the officers sometimes engaged in conversations with a single subject. In these situations, overlapping conversations created conditions that might lead to auditor missing a statement that could have otherwise corroborated Database criteria.

III. REVIEW STANDARDS

Auditors used the following standards to determine the criteria as follows:

- A. *Admitted to being a gang member.* Auditors reviewed the BWV to determine if the subject in question admitted to being an active or current gang member. If the subject used language such as “I don’t bang anymore,” “I used to back in the days,” or “I’m not active,” it was determined that the subject admitted to *prior* gang membership. If the subject denied any gang affiliation, it was determined to be a denial. If the subject responded “Yes” when asked if the subject is affiliated with a certain gang, or answered with a gang name, it was determined to be admission to current gang membership. If the officer and subject never engaged in gang membership conversation, auditors indicated that the subject was not questioned about gang membership.
- B. *Seen associating with documented gang members.* If the subject was detained with another person(s), the name of the person(s) from the BWV was verified in the Database to determine if the person(s) was entered prior to the subject’s date of contact. If the date of entry was prior to the subject’s date of contact, then the person(s) was determined to be a “documented” gang member. If the person(s) was not entered prior to the contact, or was entered into the Database after the subject’s date of contact, then this criterion was not considered corroborated. If the person(s) admitted to gang membership in the BWV, the individual was determined to be a “documented” gang member for the purpose of this review. If the subject was detained alone in the BWV, the entry was not corroborated.
- C. *Displaying gang symbols and/or hand signs.* If the subject was seen displaying gang symbols and/or hand signs in the BWV, the criterion was confirmed. If these actions were not captured on the BWV, the criterion was not corroborated.
- D. *Seen frequenting gang areas.* Auditors reviewed the location of the subject’s detention on the BWV and referenced the location against the Department’s Gang Area Territory Maps found on the Department Local Area Network (LAN) COMPSTAT Division Page. If the location fell into one of the gang territories noted in the Gang Area Territory Maps, auditors determined that the entry was corroborated.
- E. *Seen wearing gang dress.* If the subject admitted to gang attire or stated that a clothing piece was related to his or her gang affiliation, the incident was determined to include gang dress. All other clothing was not corroborated because auditors did not have the expertise to interpret gang clothing.
- F. *Known to have gang tattoos.* If the subject acknowledged having a tattoo of the name or initials of the gang the subject was associated with in the BWV, this was determined to be a gang tattoo and was used to corroborate the entry. If the tattoo of the name or initials of the gang the subject was associated with was clearly visible by the auditors in the BWV, it was used to corroborate the entry. All other tattoos were not corroborated because auditors did not have the gang expertise to interpret gang related tattoos.

None of the 41 samples reviewed were entered into the Database for the remaining two criteria (“Subject was arrested for offenses consistent with gang activity” or “Subject was identified as a gang member by a reliable informant/source”). As such, those criteria were not used in this review.

IV. RESULTS OF THE 41 FIRST-TIME ENTRIES REVIEWED

REVIEW OF ENTRIES COMPARED WITH BODY WORN VIDEO AND OTHER RESOURCES

Category	Category Description	Total in Category
A	Auditors Corroborated All of the Criteria Entered into the Database	17 of 41 (42%)
B	Auditors Corroborated at Least Two of the Criteria Entered into the Database, but Not All	12 of 41 (29%)
C	Auditors Corroborated At Least One of the Criteria Entered into the Database, but Not All	9 of 41 (22%)
D	Auditors Could Not Corroborate Any of the Criteria	3 of 41 (7%)

A. Auditors Corroborated All of the Criteria Entered into the Database

Seventeen (42%) of the 41 samples reviewed had BWV that corroborated all of the gang membership criteria used to enter the subject into the Database.

1. Incident Number 1, Southeast Area.¹

Subject was entered into the Database based on three criteria: Self-admission, seen associating with documented gang members, and seen frequenting gang area.

2. Incident Number 2, North Hollywood Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang area.

3. Incident Number 3, North Hollywood Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang area.

¹ For purposes of anonymity, the incidents were numbered 1-41.

4. Incident Number 4, Southwest Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang area.

5. Incident Number 5, North Hollywood Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang area.

6. Incident Number 6, Newton Area.

Subject was entered into the Database based on two criteria: Self-admission and seen associating with documented gang members.

7. Incident Number 7, Foothill Area.

Subject was entered into the Database based on two criteria: Self-admission and gang tattoos.

8. Incident Number 8, North Hollywood Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang areas.

9. Incident Number 9, Newton Area.

Subject was entered into the Database based on two criteria: Self-admission and gang tattoos.

10. Incident Number 10, Rampart Area.

Subject was entered into the Database based on two criteria: Self-admission and seen frequenting gang areas.

11. Incident Number 11, North Hollywood Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang areas.

12. Incident Number 12, Newton Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang areas.

13. Incident Number 13, North Hollywood Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang areas.

14. Incident Number 14, Van Nuys Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang areas.

15. Incident Number 15, Area Newton.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang areas.

16. Incident Number 16, Foothill Area.

Subject was entered into the Database based on three criteria: Self-admission, seen associating with gang members, and seen frequenting gang areas.

17. Incident Number 17, Newton Area.

Subject was entered into the Database based on two criteria: Gang tattoos and seen associating with documented gang members.

B. Auditors Corroborated at Least Two of the Criteria Entered into the Database, But Not All

Twelve (29%) of the 41 samples reviewed had BWV that corroborated at least two of the gang membership criteria used to enter the subject into the Database, but not all of the criteria was corroborated by BWV or other criteria that could be verified by auditors:

1. Incident Number 18, Hollenbeck Area.

Subject was entered into the Database based on three criteria: Self-admission, gang tattoos, and seen associating with documented gang members.

The Subject was detained alone and was not seen on BWV associating with any documented gang members.²

² While BWV did not observe a second subject with a documented gang member, it is unknown if the officers were able to see the subject with a documented gang member prior to BWV being activated.

2. Incident Number 19, Southeast Area.

Subject was entered into the Database based on three criteria: Gang tattoos, seen associating with gang members, and seen frequenting gang area.

The Subject was detained alone and was not associating with any documented gang members.

3. Incident Number 20, Southwest Area.

Subject was entered into the Database based on three criteria: Seen associating with documented gang members, seen frequenting gang areas, and gang dress.

The Subject was wearing a red sweater, red sweatpants, and white shoes, but the auditors were unable to determine if the clothing was gang related.

4. Incident Number 21, Harbor Area.

Subject was entered into the Database based on three criteria: Seen associating with documented gang members, seen frequenting gang areas, and gang dress.

The Subject was wearing a black "LA" hat, gray sweater, and dark blue jeans, auditors were unable to determine if the clothing was gang related.

5. Incident Number 22, Southeast Area.

Subject was entered into the Database based on three criteria: Seen associating with documented gang members, seen frequenting gang areas, and gang dress.

The Subject was wearing a blue sweater, white tank top, and blue sweatpants; however, auditors were unable to determine if the clothing was gang related.

6. Incident Number 23, Newton Area.

Subject was entered into the Database based on three criteria: Gang tattoos, seen associating with documented gang members, and seen frequenting gang areas.

On the BWV, the officer stated, "He earned his stripes. I wonder what he did (believed to be referring to Subject's tattoo on his right hand)." The description of the tattoo was not discussed nor was it visible on the BWV due to the angle of the camera; therefore, auditors were unable to determine if the tattoo was gang related.

7. Incident Number 24, Northeast Area.

Subject was entered into the Database based on three criteria: Seen associating with documented gang members, seen frequenting gang areas, and seen displaying gang symbols and/or hand signs.

The BWV shows that the officers were in their vehicle talking with the Subject, who was also in his vehicle; therefore, auditors could not see the Subject due to the angle of the camera, nor hear the audio due to the two-minute buffer for the BWV.³ The Subject may have displayed gang symbols and/or hand signs, but auditors were unable to determine this because the auditors could not review the initial contact the officer had with the Subject.

8. Incident Number 25, Rampart Area.

Subject was entered into the Database based on five criteria: Self-admission, gang tattoos, seen associating with gang members, seen frequenting gang areas, and gang dress.

The Subject was wearing a black tank top, gray pants, and a baseball cap; however, auditors were unable to determine if the clothing was gang related.

9. Incident Number 26, 77th Area.

Subject was entered into the Database based on three criteria: Gang tattoos, seen associating with gang members, and seen frequenting gang areas.

On the BWV, the officer asked the Subject if he had any tattoos, and the Subject stated that he had a tattoo of a heart. The tattoo was not visible in the BWV due to the dim lighting at night and auditors were unable to determine if the tattoo was gang related.

10. Incident Number 27, Southwest Area.

Subject was entered into the Database based on three criteria: Gang tattoos, seen associating with gang members, and seen frequenting gang areas.

On the BWV, the officer asked the Subject if he had any tattoos, and the Subject stated that he had two tattoos. One tattoo was the letter "A" and the other was "Milwaukee Brew." The tattoos were visible on the BWV; however, auditors were unable to determine if the tattoos were gang related.

³ The finding that the officer's BWV was not active and recording both audio and video during this encounter has been turned over to Office of Special Operations for further review.

11. Incident Number 28, Northeast Area.

Subject was entered into the Database based on three criteria: Self-admission, gang tattoos, and seen frequenting gang area.

On the BWV, the Subject had tattoos on his face, but these were not clearly visible due to dim lighting (detained in the evening) and the distance between the Subject and officer. The officer and the Subject did not discuss the nature of the tattoos; therefore, auditors were unable to determine if the tattoos were gang related.

12. Incident Number 29, 77th Area.

Subject was entered into the Database based on three criteria: Gang tattoos, seen associating with documented gang members, and seen frequenting gang areas.

Auditors reviewed the BWV and found that the Subject had multiple tattoos, some of which were visible. The BWV showed that the Subject had a tattoo of "S (Superman)" symbol and "SC" on his left arm which were visible on the BWV. The Subject also had a tattoo "Mary" on his chest that was not visible due to the angle of the BWV but was viewed and discussed by the officers with the Subject. Auditors were unable to determine if these tattoos were gang related.

C. Auditors Corroborated at Least One of the Criteria, but Not All

Nine (22%) of the 41 samples reviewed had BWV that, either alone or in combination with other Department resources as indicted above, auditors determined corroborated with at least one of the gang membership criteria used to enter the subject into the Database, but not all (see incident details below).

1. Incident Number 30, Harbor Area.

Subject was entered into the Database based on two criteria: Gang tattoos and seen associating with documented gang members.

After reviewing the BWV, auditors verified that the Subject admitted to having two tattoos on his right forearm, but neither the Subject nor the officer stated the type of tattoo. The tattoos were not visible in the BWV due to the angle of the camera; therefore, auditors were unable to determine if the tattoo was gang related.

2. Incident Number 31, Northeast Area.

Subject was entered into the Database based on two criteria: Seen frequenting gang area and gang dress.

The Subject was wearing black shirt and blue shorts; however, auditors were unable to determine if the clothing was gang related.

3. Incident Number 32, Olympic Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang areas.

After reviewing the BWV, the Subject was detained alone and was not associating with any documented gang members. The officer stated that he had seen the Subject previously with documented gang members and the Subject did not deny it. However, during the stop, the Subject was seen alone and thus the criteria of seen associating with a documented gang member could not be corroborated.

4. Incident Number 33, Olympic Area.

Subject was entered into the Database based on two criteria: Self-admission and seen associating with documented gang members.

After reviewing the BWV, the officer and Subject did not engage in any conversation regarding gang membership.

5. Incident Number 34, North Hollywood Area.

Subject was entered into the Database based on two criteria: Seen associating with documented gang members and seen frequenting gang areas.

The Subject appears to have been detained outside the borders of the gang area pursuant to the Department's Gang Area Territory Maps.

6. Incident Number 35, Northeast Area.

Subject was entered into the Database based on two criteria: Gang tattoos and seen frequenting gang areas.

By reviewing the BWV, auditors verified that the Subject had multiple visible tattoos including a tattoo that was a picture of a "Skull," the word "Hozer," the letter "T", and the letter "V" on his right arm; however, auditors were unable to determine if the tattoos were gang related.

7. Incident Number 36, North Hollywood Area.

Subject was entered into the Database based on these two criteria: Self-admission and gang tattoos.

After reviewing the BWV, auditors found that the Subject self-admitted that he was a gang member a long time ago (indicating prior gang membership) but stated that he no longer associates with the gang. Auditors counted this as a denial of gang membership, even though under the current Database criteria, the Subject admitted to being in a gang at one point in time.

8. Incident Number 37, Northeast Area.

Subject was entered into the Database based on three criteria: Self-admission, gang tattoos, and seen frequenting gang area.

After reviewing the BWV, the Subject self-admitted that he does not “mess around anymore” and no longer associates with the gang and thus auditors counted this as denial of gang membership.

9. Incident Number 38, Hollenbeck Area.

Subject was entered into the Database based on two criteria: Self-admission and gang tattoos.

After reviewing the BWV, the officer asked the Subject if she was from a certain gang and the Subject denied membership, however she did later admit to a moniker.⁴

D. Auditors Could Not Corroborate Any of the Criteria Entered into the Database

Three (7%) of the 41 samples reviewed involved situations that auditors could not corroborate after viewing the BWV:

1. Incident Number 39, Central Area.

Subject was entered into the Database based on two criteria: Gang tattoos and gang dress.

On the BWV, the Subject showed the officer his “AOB” tattoo on his right hand. When asked, the Subject stated that “AOB” stands for “All Our Bosses” and referred to his music crew. Thus, auditors were unable to corroborate whether the tattoo was gang related or not. Moreover, the tattoo was also not clearly visible due to the angle of the camera. The Subject was wearing black long sleeves, black jeans, and black shoes, but auditors were unable to determine if the clothing was gang related.

2. Incident Number 40, Van Nuys Area.

Subject was entered into the Database based on two criteria: Self-admission and gang tattoos.

⁴ Based on this denial, the incident has been reported to Professional Standards Bureau.

After reviewing the BWV, the Subject stated that he was from the “San Gabriel Valley” area but was not questioned further and did not admit to gang membership. The Subject had tattoos on his stomach and right hand, but these were not visible in the BWV due to low lighting (detained at night). The nature of the tattoos was not discussed in the BWV, and thus auditors were unable to determine if they were gang related.

3. Incident Number 41, Foothill Area.

Subject was entered into the Database based on two criteria: Self-admission and gang tattoos.

On the BWV, the officer asked if the Subject was from a certain gang, and the Subject replied that he was from “Nowhere,” and did not admit to any gang membership during subsequent conversation. Upon review of the BWV, a tattoo of “818” on the Subject’s back was visible, and the Subject had multiple tattoos on both of his arms which were indistinguishable due to low lighting (detained at night). The Subject stated that he had a “Steelers” tattoo on his right arm, which was not visible due to low lighting and angle of the BWV. The Subject further stated that he had a tattoo on his leg, but the tattoo was not visible due to the angle of the BWV (the officer did not bend down to capture the tattoo on BWV). Whether the tattoos were gang related was not discussed on the BWV, and auditors were unable to determine independently if they were gang related.

V. MISCONDUCT AND FOUL LANGUAGE

In four of the 41 samples (10%), auditors determined that officers may have been involved in acts of misconduct. Misconduct is defined by the Department as:

- Commission of a criminal offense;
- Neglect of duty;
- Violation of Department policies, rules, or procedures;
- Conduct which may tend to reflect unfavorably upon the employee or the Department.⁵

In 13 of the 41 samples (32%) as showed on BWV, officers used foul language.

A. Misconduct

In four incidents, auditors determined that officers may have been involved in acts of misconduct. Audit Division will forward these incidents to the appropriate operations bureau for follow-up. A summary of each of the four incidents appears below:

⁵ See *Department Manual*, Volume 3, “Management Rules and Procedures,” Section 805.25, Misconduct.

1. Incident Number 20, Harbor Area.

One of the Subjects wanted to file a complaint against the officer stating that the officer was harassing the Subject and abusing the officer's power. After the Subject stated that he wanted to file a complaint, the officer stated, "Since we doing a complaint, I'm going to impound one car, two cars, three cars, four cars (referring to Subject's vehicles)." It appears that the officer attempted to dissuade the Subject from filing a complaint.⁶ However, the officers ultimately did not impound any vehicles and asked the detainee if he wanted to speak to a supervisor. The supervisor arrived at scene and the detainee refused to speak with the supervisor or file a complaint.

2. Incident Number 2, North Hollywood Area.

On the BWV, one of the officers was seen powering off the BWV during the contact prior to the end of the Subject contact. While the officer later turned on the BWV, auditors were unable to determine the reason that the officer powered off the BWV.⁷

3. Incident Number 26, Southwest Area.

On the BWV, one of the officers was seen powering off the BWV during the contact prior to the end of the Subject contact. Auditors were unable to determine the reason that the officer powered off the BWV (see Footnote No. 6).

4. Incident Number 13, North Hollywood Area.

The officer was discourteous to the Subject and used excessive foul language (see details under Section V.B, Incident Number 13 below).

B. Foul Language

Twelve of the 13 samples (92%) containing foul language were conversational, not directed toward the subject, and therefore not found to involve misconduct. One of the 13 samples (8%) contained foul language that was determined by auditors to be offensive and directed toward the subject. A summary of this sample appears below and was also included in Section A (Misconduct):

1. Incident Number 13, North Hollywood Area.

Extensive use of foul language was throughout the incident.⁸

⁶ See *Department Manual*, Volume 3, "Management Rules and Procedures," Section 813.10, Employee Failure to Properly Accept a Complaint.

⁷ See Special Order No. 12, dated April 20, 2015, "Body Worn Video Procedures – Established" and Notice 1.1 dated January 17, 2020.

⁸ Due to the language used which was directed toward the subject and the extent of the language, this incident will be reported as misconduct.

VI. OTHER RELATED MATTERS

Table No. 1 illustrates the type of contact and outcome of the detentions.

Table No. 1-Type of Contact and Outcome

Type of Contact	Warnings	Citations	QNR (Question & Release)	Total
Ped Stops	6	0	15	21
Traffic Stops	5	2	10	17
Radio Calls	0	0	3	3
Total	11	2	28	41

Table No. 2 illustrates the number of Database criteria that could be corroborated by BWV. The criteria of Gang Dress was not corroborated as there was no discussion or indication as to why the dress of the subject was gang related. The majority of subjects were documented by either associating with other gang members or being detained in one of the gang territories noted in the Gang Area Territory Maps.

Table No. 2-Database Criteria Corroborated by BWV

	Number of Times Noted in the Database	Number of Time corroborated by BWV/ other resources as noted above
Self-admit (current)	11	7
Self-admit (past) ⁹	4	2
Associating with Documented Gang Member	29	26
Displaying gang symbols/hand signs	1	0
Frequented gang areas based on Gang Area Territory Maps	29	28
Gang Dress	6	0
Gang Tattoos	19	9

VII. ACTIONS TAKEN

The Office of Constitutional Policing and Policy referred the Findings in Sections C and D as delineated in the table on Page 4 of this Report, as well as the incidents showing foul language and possible misconduct in Section V of this Report, to the appropriate bureau for review and further action.

⁹ The breakdown for Self-admit (current) and Self-admit (past) is for the purposes of the review only. The Database only notes if the subject Self-admitted to gang membership, with no differentiation between past or current.

VIII. CONCLUSIONS

This was the first review of Database entries involving GED officers making first-time entries of subjects. Similar to the findings of the *Review of Metropolitan Division's Field Interview Cards and Body Worn Video* report completed in 2020, this review suggests a need for the Department to more clearly define what "self-admitted gang member" means for the purpose of entry into the Database, and for interviews with subjects to become more refined in order to obtain better information from subjects. This review showed that officers entered the subjects into the Database by using the criteria for self-admission, yet several BWVs revealed that subjects admitted to prior, not current, gang membership. A total of seven subjects in this report admitted to current gang membership that was corroborated by BWV; however, three of the BWVs showed subjects who denied gang membership on BWV. One incident where the Database showed entry based at least partially on self-admission showed on BWV that there was no conversation about gang membership. These findings point to inconsistencies in the *overall* issue regarding the criterion of self-admission and its many interpretations.

Need for Clarification: Current Versus Prior Gang Membership and What is Observed

It was further noted that officers in this review would often pose a question regarding gang membership in the past tense; for example, asking "Who'd you used to roll with?" or, "Where were you from back in the day?" This leads to a lack of clarity. It is recommended that GED interview techniques be improved to better elicit accurate information from the subject. Additionally, officers should document when identifying a tattoo or gang dress as to what it is about that item that makes it gang related. Simply stating, "gang dress" is not enough. There needs to be further clarification such as, the subject had a "WF" tattoo, which is a tattoo for the White Fence gang.

Technical and Functional Limitations of BWV

While auditors could not corroborate all details on the BWV due to unfamiliarity with certain aspects of gang membership, it should be noted that BWV appears to have technical limitations, including lighting and contrast. Moreover, officers cannot always control the angle of the camera when natural positioning does not allow a good view of the subject; for example, when the subject is significantly taller than the officer. Further, the focus of the officer must first be on safety tactics and the officer may not attend to how the subject is captured on BWV. Finally, Audit Division's auditors have limited and/or outdated gang expertise and it is recommended that future reviews of Database entries be directed to Audit Division with the assistance of other appropriate Department offices, bureaus, or Areas.

IX. RECOMMENDATIONS

Should the LAPD wish to continue using the Database the following steps are recommended as necessary to ensure that the Database is accurate and therefore useful.

1. Develop More Specific Criteria for Entry into the Database

While training was previously provided regarding appropriate entries into the Database during initial GED training, additional training is needed to ensure that self-admission indicates current membership in a gang. This lack of consistency appears to indicate that officers do not have sufficient knowledge regarding what satisfies the criteria for self-admission. Additionally, when using the Gang Dress or Gang Location criteria, further explanation needs to be provided regarding what about that item or location is gang related. Further, upon implementation of an enhanced training program, Audit Division recommends a post-training audit or review to determine whether the training results are more compliant with Database criteria.

2. *Implement Levels of Database Entry Review*

Administrative Order No. 22, dated December 9, 2019, entitled, *Contacts with Gang Members – Revised; miscellaneous forms and guides pertaining to the Gang Enforcement Detail and Gang Impact Team Operations in Reference to the shared gang Database – Revised; and, shared gang Database spreadsheet guide, Form 12.16.24 – Activated*, delineates the supervisory review process prior to Database entry. This document was distributed after the compilation of the source documents and BWV for this review.

It is recommended that periodic inspections of this process be conducted to verify accuracy of Database entry. It is believed that with such review of information prior to entry into the Database, any errors during the entry process.

While it is important that data is entered into the Database as quickly as possible, it is more important that the information be as accurate as possible. A suggestion would be to have a third party, such as a Police Performance Auditor or other civilian position, trained in the entry requirements for the Database, be able to review and enter the subject. The personnel would review the FI card(s) for completeness and compare the information with the officer's BWV. Any information determined to be inconsistent with Database requirements would be forwarded to the appropriate supervisor for follow up with the officer in question. This process would reduce the entry of information that is inaccurate or is difficult to ascertain without additional documentation by the officer.

3. *Integrate Officer Training Relative to Interview Techniques When Interacting with Possible Gang Members*

In order to enhance officer skills when interacting with possible gang members, it is recommended that officers receive training specific to eliciting more accurate responses from subjects that clarify past versus present gang activity.

**REVIEW OF GANG ENFORCEMENT DETAIL
CALGANG SYSTEM AND BODY WORN VIDEO
35 AND OLDER POPULATION
Prepared by Audit Division**

I. OVERVIEW

Audit Division conducted a review of 41 Gang Enforcement Detail (GED), CalGang System (Database) entries and compared them to the Body Worn Video (BWV) footage that captured the associated field interview to confirm the accuracy of information recorded by officers pertaining to a subject's gang affiliation. The 41 entries reviewed were those of subjects who were 35 years and older and were entered into the Database by GED officers Department-wide. Subjects 35 years and older were a focal point because it is believed this is a threshold where gang members sometimes renounce gang membership and no longer wish to be associated with the lifestyle. The entries cover a period of 24 months from January 2018 through December 2019.

Of the 41 entries examined, auditors found:

- In nine entries (22%) all the criteria entered into the Database regarding the subject were corroborated on BWV;
- In 10 entries (24%) at least two criteria, but not all of the criteria entered into the Database regarding the subject, were corroborated on BWV;
- In 18 entries (44%), at least one of the criteria, but not all of the criteria entered into the Database regarding the subject, were corroborated on BWV;
- In three entries (7%), auditors could not corroborate any of the criteria used for Database entry; and,
- In one entry (2%), the subject was entered into the Database based on one criterion.¹

Auditors also reviewed BWV for other misconduct (including conduct such as foul or profane language used by the officer during contact with the subject). In the 41 entries examined, auditors found:

- Two incidents (5%) of the 41 samples may have officers involved in acts of misconduct; details of situations appear in Section V.B of this report; and,
- Six incidents (15%) of the 41 samples showed officers used foul language.

II. METHODOLOGY

Audit Division obtained a population of 1,096 entries of subjects who were 35 years and older into the Database by the GED between January 1, 2018, through December 31, 2019. From this population, a statistically valid random sample of 41 entries and associated BWVs were reviewed to confirm if the subjects were properly entered into the Database. Auditors used only BWV to confirm the accuracy of the gang membership criteria. Field Interview (FI) cards were not used to assess the integrity of the Database entry for this review. Auditors also reviewed the BWV for possible misconduct.

¹ The total percentage does not equal 100% due to rounding.

Due to the entries that resulted from an arrest being difficult to assess due to the prolonged nature of the contact and multiple opportunities for the subject to self-admit off-camera during the booking process, they were excluded from review. Also, samples that were entered into the Database by non-GED officers were deselected and replaced as the goal of this review was to evaluate GED.

Audit Division captured the following information relative to the incidents reviewed:

- Incident number;
- Date and time of incident;
- Officer's serial number;
- Source of contact;
- Geographic area;
- Contact outcome (arrested, cited, or warned);
- CalGang Criteria:
 - Subject has admitted to being a gang member.
 - Subject has been arrested for offenses consistent with gang activity.
 - Subject has been identified as a gang member by a reliable informant/source.
 - Subject has been seen associating with documented gang members.
 - Subject has been seen displaying gang symbols and/or hand signs.
 - Subject has been seen frequenting gang areas.
 - Subject has been seen wearing gang dress.
 - Subject is known to have gang tattoo.
- BWV time stamp.

In order for a subject to be eligible for entry into the Database, each entry must meet two of the gang membership criteria listed above.

Body Worn Video that provided enough footage to compare information associated with the data entered into the Database was included as part of the sample. In instances where the BWV was incomplete, the sample and its BWV was deselected, and a new sample and video was selected in its place. In this review, all BWVs associated with the 41 samples were complete and therefore no samples were deselected and replaced.

There were limitations to this review. First, the BWV posed significant limitations for auditors in situations where the cameras offered a narrow view, were obscured by low-light conditions, and/or had limited sound quality due to ambient noise. While auditors could often discern the presence of tattoos, it was sometimes difficult to identify in detail what the tattoos said or represented. This was especially true in low-light conditions. Those limitations, in combination with the ambiguity in the language of the Database criteria, lead to the possibility of over-emphasis on BWV and a belief that it is definitive, when, it is merely corroborative. Lack of corroboration does not necessarily mean there has been a falsification. Second, it should be noted that auditors were comprised of both sworn and civilian employees, some of whom had previous GED experience, and less experienced auditors who consulted with others within Audit Division

regarding ambiguities pertaining to gang membership criteria. Finally, in some situations, multiple officers' BWV were viewed to obtain the best view or audio because the officers sometimes engaged in conversations with a single subject. In these situations, overlapping conversations created conditions that might lead to auditor missing a statement that could have otherwise corroborated Database criteria.

III. REVIEW STANDARDS

Auditors used the following standards to confirm the criteria used for entries as follows:

- A. *Admitted to being a gang member.* Auditors reviewed the BWV to determine if the subject in question admitted to being an active or current gang member. If the subject used language such as "I don't bang anymore," "I used to back in the days," or "I'm not active," it was determined that the subject admitted to *prior* gang membership. If the subject denied any gang affiliation, it was determined to be a denial. If the subject responded "Yes" when asked if the subject is affiliated with a certain gang, or answered with a gang name, it was determined to be admission to current gang membership. If the officer and subject never engaged in gang membership conversation, auditors indicated that the subject was not questioned about gang membership.
- B. *Seen associating with documented gang members.* If the subject was detained with another person(s), the name of the person(s) from the BWV was verified in the Database to determine if the person(s) was entered prior to the subject's date of contact. If the person(s) was entered into the Database prior to the subject's date of contact, then the person(s) was determined to be a "documented" gang member. If the person(s) was not entered prior to the contact, or was entered into the Database after the subject's date of contact, then this criterion was not considered corroborated. If the person(s) admitted to gang membership in the BWV, the individual was determined to be a "documented" gang member for the purpose of this review. If the subject was detained alone in the BWV, the entry was not corroborated.
- C. *Displaying gang symbols and/or hand signs.* If the subject was seen displaying gang symbols and/or hand signs in the BWV, the criterion was conformed. If these actions were not captured on the BWV, the criterion was not corroborated.
- D. *Seen frequenting gang areas.* Auditors reviewed the location of the subject's detention on the BWV and referenced the location against the Department's Gang Area Territory Maps. Gang Area Territory Maps are created or updated by the Divisional GED and uploaded onto the Department Local Area Network (LAN) COMPSTAT Division Page. The most recent maps on the LAN were utilized for this review. If the location of the stop fell into one of the gang territories noted in the Gang Area Territory Maps, auditors determined that the entry was corroborated.
- E. *Seen wearing gang dress.* If the subject admitted to gang attire or stated that a clothing piece was related to their gang affiliation, the incident was determined to include gang

dress. All other clothing was not corroborated because auditors did not have the expertise to interpret gang clothing.

- F. *Known to have gang tattoos.* If the subject acknowledged having a tattoo of the name or initials of the gang the subject was associated with in the BWV, this was determined to be a gang tattoo and was used to corroborate the entry. If the tattoo of the name or initials of the gang the subject was associated with was clearly visible by the auditors in the BWV, it was used to corroborate the entry. All other tattoos were not corroborated because auditors did not have the gang expertise to interpret gang related tattoos.
- G. *Identified as a gang member by a reliable informant/source.* If the officer explicitly identified the reliable informant/source, such as another gang member, on the BWV, auditors determined that the entry was corroborated. While the definition of “source” may be broad, auditors did not consider information the officer may have obtained by accessing the Database in the police vehicle during the stop to corroborate the entry.

None of the 41 samples reviewed were entered into the Database for the criteria “Subject has been arrested for offenses consistent with gang activity.” As such, that criterion was not used in the review.

IV. RESULTS OF THE 41 ENTRIES REVIEWED

REVIEW OF CALGANG DATABASE ENTRIES COMPARED WITH BWV AND OTHER RESOURCES (35 AND OLDER)

Category	Category Description	Total in Category
A	Auditors Corroborated All of the Criteria Entered into the Database	9 of 41 (22%)
B	Auditors Corroborated at Least Two of the Criteria, but Not All	10 of 41 (24%)
C	Auditors Corroborated At Least One of the Criteria, but Not All	18 of 41 (44%)
D	Auditors Could Not Corroborate Any of the Criteria	3 of 41 (7%)
E	Subject Was Entered into the Database Based on One Criterion	1 of 41 (2%) ²

A. Auditors Corroborated All of the Criteria Entered into the Database

Nine (22%) of the 41 samples reviewed had BWV that corroborated all of the gang membership criteria used to enter the subject into the Database:

² The percentage does not equal 100% due to rounding.

1. Incident Number 1, Newton Area.³

Subject was entered into the Database on three criteria: Self-admission, gang tattoos, and seen frequenting gang area.

2. Incident Number 2, Van Nuys Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

3. Incident Number 3, Hollenbeck Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

4. Incident Number 4, Hollenbeck Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

5. Incident Number 5, Northeast Area.

Subject was entered into the Database on two criteria: Gang tattoos and seen frequenting gang area.

6. Incident Number 6, Newton Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

7. Incident Number 7, 77th Area.

Subject was entered into the Database on three criteria: Self-admission, seen associating with gang members, and seen frequenting gang area.

8. Incident Number 8, Southeast Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

9. Incident Number 9, Harbor Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

³ For purposes of anonymity, the incidents were numbered 1-41.

B. Auditors Corroborated at Least Two of the Criteria Entered into the Database, but Not All

Ten (24%) of the 41 samples reviewed had BWV that corroborated at least two of the gang membership criteria used to enter the subject into the Database:

1. Incident Number 10, Southwest Area.

Subject was entered into the Database on three criteria: Gang tattoos, seen associating with gang members, and seen frequenting gang area.

After reviewing the BWV, the auditor determined the officer and Subject did not engage in any conversation regarding tattoos nor was the officer seen taking information for a Field Interview card on the BWV. The Subject was wearing a long sleeve sweater and never displayed any tattoos to the officer; therefore, tattoos were not visible on the BWV.

2. Incident Number 11, Central Area.

Subject was entered into the Database on five criteria: Self-admission, gang tattoos, seen associating with gang members, seen frequenting gang area, and gang dress.

While the Subject had numerous tattoos on both arms and side of his ribs, some of which were visible on the BWV, auditors were unable to confirm whether the tattoos were gang related. The Subject was detained with one other person who was not a documented gang member and the person stated that he had not "gang banged" in years. The Subject was wearing a sleeveless white tank, checkered shorts, and a black and white bandana; however, auditors were unable to determine if the clothing was gang related.

3. Incident Number 12, Newton Area.

Subject was entered into the Database on four criteria: Self-admission, gang tattoos, seen associating with gang members, and seen frequenting gang area.

The Subject had multiple tattoos on both of his arms, but the BWV was not clear enough for auditors to confirm whether the tattoos were gang related.

4. Incident Number 13, North Hollywood Area.

Subject was entered into the Database on three criteria: Self-admission, seen frequenting gang area, and gang dress.

The Subject wearing Rams t-shirt, shorts, and "LA" hat. Auditors were unable to confirm if the clothing was gang related.

5. Incident Number 14, Hollenbeck Area.

Subject was entered into the Database on three criteria: Self-admission, gang tattoos, and seen frequenting gang area.

The Subject had multiple tattoos on his left arm none of which could be viewed clearly on the BWV. Moreover, the officer and the Subject did not discuss the nature of the tattoos; therefore, auditors were unable to confirm if they are gang related.

6. Incident Number 15, Rampart Area.

Subject was entered into the Database on four criteria: Self-admission, gang tattoos, seen frequenting gang area, and gang dress.

The Subject was detained at night causing low lighting on the BWV and the officer and Subject did not engage in any conversation regarding tattoos. Therefore, auditors were unable to corroborate whether the Subject had any gang tattoos. The Subject was wearing a black shirt and gray shorts. Auditors were unable to confirm if the clothing was gang related.

7. Incident Number 16, Rampart Area.

Subject was entered into the Database on five criteria: Self-admission, gang tattoos, seen associating with gang members, seen frequenting gang area, and gang dress.

The Subject was wearing a black shirt and blue jeans; however, auditors were unable to confirm if the clothing was gang related.

8. Incident Number 17, Southeast Area.

Subject was entered into the Database on three criteria: Gang tattoos, seen associating with gang members and seen frequenting gang area.

On the BWV, auditors could see multiple tattoos on both of the Subject's arms, but due to limitations of the BWV, auditors could not make any tattoo out clearly. Moreover, the officer and Subject did not discuss the nature of the tattoos. Therefore, auditors were unable to confirm whether the tattoos were gang related.

9. Incident Number 18, Olympic Area.

Subject was entered into the Database on three criteria: Self-admission, gang tattoos, and gang dress.

The Subject was seen in his vehicle during the detention; therefore, auditors were unable to see if the Subject had any tattoos and the officer and Subject did not engage in any

conversation regarding tattoos. The Subject was wearing a red cap with the letter "B" and the Subject admitted that the cap was gang related.

10. Incident Number 19, Newton Area.

Subject was entered into the Database on three criteria: Self-admission, gang tattoos, and seen frequenting gang area.

After reviewing the BWV, the auditor determined the Subject stated that he was not active as a gang member.

C. Auditors Corroborated At Least One of the Criteria, but Not All

Eighteen (44%) of the 41 samples reviewed had BWV that corroborated with one of the criteria:

1. Incident Number 20, Wilshire Area.

Subject was entered into the Database on two criteria: Seen associating with gang members and seen frequenting gang area.

After reviewing the BWV, the auditor determined the Subject was detained alone, no other persons were seen with the subject on BWV.

2. Incident Number 21, Rampart Area.

Subject was entered into the Database on two criteria: Self-admission and seen frequenting gang area.

After reviewing the BWV, the auditor determined the officer and Subject did not engage in any conversation regarding gang membership.

3. Incident Number 22, Foothill Area.

Subject was entered into the Database on two criteria: Gang tattoos and seen frequenting gang area.

The Subject was detained outside the borders of the gang territories noted in the Gang Area Territory Maps.

4. Incident Number 23, Northeast Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

The Subject remained in his vehicle during the entire detention; therefore, tattoos were not visible on the BWV. The officer and the Subject did not engage in any conversation regarding tattoos; therefore, auditors were unable to confirm if the Subject had any gang tattoos.

5. Incident Number 24, Harbor Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

The Subject was detained at night which provided very little lighting and the officer and Subject did not engage in any conversations regarding tattoos. Therefore, auditors were unable to corroborate whether the Subject had any gang tattoos.

6. Incident Number 25, Northeast Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

On the BWV, the Subject stated he had a tattoo of "ES" on the back of his head but was not clearly visible due to low lighting (detained at night). The Subject also stated he had tattoos of a sculpture, skulls, and "LA" on his left arm, all of which were not visible due to low lighting. While these may be gang tattoos known to the officers, there was no discussion as to the tattoos' significance, and auditors were unable to corroborate the entry of gang tattoos into the Database.

7. Incident Number 26, Wilshire Area.

Subject was entered into the Database on two criteria: Gang tattoos and identified by a reliable source.

The officer did not mention any reliable informant/source on the BWV but was seen accessing the Database from the vehicle. Auditors were unable to confirm who or what the reliable informant/source.

8. Incident Number 27, Northeast Area.

Subject was entered into the Database on two criteria: Gang tattoos and seen associating with gang members.

After reviewing the BWV, the auditor determined that the officer and Subject did not discuss the nature of the tattoos. On the BWV, the Subject was seen with a tattoo of a skull on his left arm. He also had a tattoo on his upper right arm and lower right arm, both were unclear due to the angle of the BWV; therefore, auditors were unable to confirm if the tattoos were gang related.

9. Incident Number 28, Northeast Area.

Subject was entered into the Database on three criteria: Gang tattoos, seen frequenting gang area, and gang dress.

After reviewing the BWV, the auditor determined that the Subject admitted to having a tattoo of a skull on his back and a portion of the skull was visible on the BWV due to the angle of the BWV. Auditors were unable to confirm if the skull tattoo is gang related. Additionally, the subject was wearing a black shirt, blue jeans, and black cap. Auditors were unable to confirm if the clothing was gang related.

10. Incident Number 29, Devonshire Area.

Subject was entered into the Database on three criteria: Gang tattoos, seen displaying gang symbols and/or hand signs, and gang dress.

The detention was due to a radio call requested by four teenagers (victims) who reported that the Subject threatened and displayed gang signs to the victims. Although the BWV captured the victims stating that the Subject displayed gang symbols, it did not capture the actual display of any gang symbols and/or hand signs by the subject. Thus, auditors were unable to corroborate whether the Subject displayed any gang symbols and made a judgment call that it would not be counted as a corroborated criterion. Additionally, the Subject was wearing a gray shirt, black shorts, and black shoes; however, auditors were unable to confirm if the clothing was gang related.

11. Incident Number 30, Foothill Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

After reviewing the BWV, the auditor determined the Subject stated that he no longer "gang bangs."

12. Incident Number 31, Foothill Area.

Subject was entered into the Database on two criteria: Self-admission and seen frequenting gang area.

After reviewing the BWV, the auditor determined the Subject stated that she was not a documented gang member.

13. Incident Number 32, Northeast Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

After reviewing the BWV, the auditor determined the Subject stated he did not “gang bang” but was documented as a gang member.

14. Incident Number 33, Newton Area.

Subject was entered into the Database on three criteria: Self-admission, seen associating with gang members, and seen frequenting gang area.

After reviewing the BWV, the auditor determined the Subject stated that he does not “gang bang” and denied gang membership.

15. Incident Number 34, North Hollywood Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

After reviewing the BWV, the auditor determined the Subject stated that he does not “mess around anymore” and was not a current gang member.

16. Incident Number 35, Hollenbeck Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

After reviewing the BWV, the auditor determined the Subject stated he is not a gang member.

17. Incident Number 36, Pacific Area.

Subject was entered into the Database on five criteria: Self-admission, gang tattoos, seen frequenting gang area, identified by a reliable source, and gang dress.

After reviewing the BWV, the auditor determined the Subject stated that he does not “gang bang.” On the BWV, the Subject stated he has a clown tattoo on his leg, but it was not visible due to the angle of the camera. The Subject also admitted to having tattoos on his right arm and left wrist, both of which were not visible due to the angle of the camera. The nature of the tattoos was not discussed between the officer and Subject; therefore, auditors were unable to confirm if they were gang related. On the BWV, the secondary officer stated the Subject was from the gang, Venice 13. Auditors were unable to confirm if the reliable source in this incident is the secondary officer. The Subject was wearing a blue t-shirt, cargo shorts, and a white cap; however, auditors were unable to confirm if the clothing was gang related.

18. Incident Number 37, Mission Area.

Subject was entered into the Database on three criteria: Self-admission, gang tattoos, and seen displaying gang symbols and/or hand signs.

After reviewing the BWV, the auditor determined that the Subject was detained because of a traffic violation. During the detention, the Subject stated he is not active as a gang member anymore. The BWV did not show the Subject display gang symbols and/or hand signs.

D. Auditors Could Not Corroborate Any of the Criteria Entered into the Database

Three (7%) of the 41 samples reviewed had BWV that did not corroborate any of the gang membership criteria.

1. Incident Number 38, Northeast Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

After reviewing the BWV, the auditors determined the officer and Subject did not engage in any conversation regarding gang membership. The officer also did not ask about tattoos on the BWV and no tattoos were visible to the auditor; therefore, auditors were unable to confirm if the Subject had gang tattoos.

2. Incident Number 39, Northeast Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

After reviewing the BWV, the auditor determined the Subject stated that he used to kick it with the gang members but does not associate with them anymore. The Subject had multiple tattoos: His children's names on both of his arms, tombstone on his left shoulder, and a Tasmanian Devil on his left arm. All the tattoos were visible on the BWV; however, auditors were unable to confirm if any of the tattoos were gang related.

3. Incident Number 40, Newton Area.

Subject was entered into the Database on two criteria: Self-admission and gang tattoos.

After reviewing the BWV, the auditor determined the Subject stated that he was documented as a gang member in the past, but he was not a gang member. The Subject stated he did not have any tattoos, and none were visible on the BWV. Due to low lighting (detained at night), auditors could not corroborate the existence of tattoos.

E. Subject Was Entered into the Database Based on One Criterion

One (2.4%) of the 41 samples reviewed showed that the Subject had been entered into the Database based on a single criterion, which is an insufficient basis for entry into the Database:

1. Incident Number 41, Wilshire Area.

Subject was entered into the Database based on one criterion: Seen frequenting gang area. After reviewing the BWV, the auditor determined that the Subject was detained in one of the gang territories noted in the Gang Area Territory Maps.

V. MISCONDUCT AND FOUL LANGUAGE

In two (5%) of the 41 samples, auditors determined that officers may have been involved in acts of misconduct. Misconduct is defined as:

- Commission of a criminal offense
- Neglect of duty
- Violation of Department policies, rules, or procedures
- Conduct which may tend to reflect unfavorably upon the employee or the Department.⁴

A. Misconduct

Two incidents showed that officers may have been involved in acts of misconduct:

1. Incident Number 29, Devonshire Area.

On the BWV, the officer took photos of the Subject while the Subject was in handcuffs.⁵

2. Incident Number 7, 77th Area.

On the BWV, two officers used physical force by handcuffing the Subject and restraining both of the Subject's arms to take photos of the Subject.⁶

B. Foul Language

Six (15%) of the 41 samples showed on BWV that officers used foul language. All six (100%) of the samples containing foul language were conversational in nature, not directed toward the subject, and therefore not found to involve misconduct.

⁴ See *Department Manual*, Volume 3, "Management Rules and Procedures," Section 805.25, Misconduct.

⁵ See *Department Manual*, Volume 4, "Line Procedures," Section 269.6, Photographing Known or Suspected Gang Members specifies "[w]hen a gang officer takes photo of a known or suspected gang member, the gang member shall be unrestrained".

⁶ See *Department Manual*, Volume 3, "Management Rules and Procedures," Section 805.25, Misconduct.

VI. OTHER RELATED MATTERS

Table No. 1 illustrates the reason for stop and outcome of detentions:

Table No. 1-Reason for Stop and Outcome

Reason for Stop	Total Stops	Warnings	Citations	Question & Release
Ped Stops	19	6	0	13
Traffic Stops	19	10	3	6
Radio Calls	1	0	0	1
Consensual Encounter	2	0	0	2
Total	41	16	3	22

Table No. 2 illustrates the number of Database criteria claimed by officers and the number that could be corroborated by BWV. Gang Dress and Identification by a Reliable Source were unable to be corroborated as there was no discussion or indication as to why the dress of the subject was gang related or identification of the reliable source.⁷ The majority of subjects were documented by either self-admission to past or current membership, being in a gang area, or having gang tattoos.

Table No. 2-Database Criteria Corroborated by BWV

	Number of Times Noted in Database	Number of Time corroborated by BWV/ other resources as noted above
Self-admit (current)	16	11
Self-admit (past) ⁸	14	8
Associating with Documented Gang Member	9	7
Displaying gang symbols/hand signs	2	0
Frequented gang areas based on Gang Area Territory Maps	20	19
Gang Dress	8	1
Gang Tattoos	33	17
Identified by a Reliable Informant/Source	2	0

⁷ The reliable source may have been the Database if the officers checked the Database during or after the stop.

⁸ The breakdown for Self-Admit (current) and Self-Admit (past) is for the purposes of the review only. The Database only notes if the subject Self-admitted to gang membership past or current.

VII. ACTIONS TAKEN

The Office of Constitutional Policing and Policy referred the findings in Sections C through E as delineated in the table on Page 4 of this Report, as well as the incidents showing possible misconduct in Section V.B of this Report, to the appropriate Geographic Bureau for review and further action.

VIII. CONCLUSIONS

This was the first review of the GED, CalGang System that focused on subjects 35 years and older. The age group was selected to ensure that the subjects' continued inclusion in the Database is appropriate. When conducting this review, auditors compared the information in the Database with the BWV footage of the corresponding incident to confirm if the information entered into the Database matched what was captured by the BWV. Discrepancies noted between the entries and BWV often involved the interpretation of the criteria by the officers, especially concerning the issue of self-admission to a gang and whether admission to either current or past membership should be a basis for Database inclusion.

Need for Clarification of Current Versus Prior Gang Membership

Consistent with the review of first-time entries by GED officers, it was noted that officers would often pose a question regarding gang membership in the past tense; for example, asking "*Who'd you used to roll with?*" or, "*Where were you from back in the day?*" If the subject answered that he used to be a gang member, the officers did not follow up with a question asking if they were still active gang members. Without clarification on the use of past tense questions, officers may continue to enter a subject into the Database using the self-admit criteria when the subject may no longer be a current gang member. Additionally, when GED officers have had prior contact with a subject, the officers may have prior knowledge of self-admission by the subject. If the subject is not asked whether they are currently in a gang, the officer may use the subject's prior information as one of the criteria for Database entry. This is problematic and potentially inaccurate, especially for older subjects who may have left the gang and are now living a gang-free lifestyle. These findings point to inconsistencies in the *overall* issue of self-admission.

This review determined that officers used self-admit as one of the criteria for entering subjects into the Database 31 of 41 times (76%). Of the 31 entries using self-admit:

1. Twelve subjects in this report admitted to current gang membership that was corroborated by BWV;
2. Twelve subjects admitted to prior, not current, gang membership;
3. Five subjects denied gang membership although "self-admission" was used as part of the criteria; and,

4. Two subjects had no conversation with officers about self-admission that was captured on BWV. Nonetheless, self-admission was used as part of the criteria for entry or additional time in the Database.

Need for Review of Criteria Prior to Entry into the Database

Two examples where the BWV failed to corroborate the information in the Database are listed below. With a more thorough review of the documents and with additional levels of review, which are now in place, it may have prevented these entries into the Database or at least further explanation and documentation by the officer could have been completed. These examples are as follows:

1. Incident No. 20 – Wilshire Area (Section C, Item No. 1). One of the two criteria used was: “Subject has been seen associating with documented gang members.” The auditors reviewing the BWV which showed the Subject was detained alone. This incident is problematic because the officer entered information into the Database that was not accurate as seen on BWV. As such, the incident as documented and reviewed did not meet the two-criteria rule, this encounter should not have been entered into the Database.
2. Incident No. 22 – Foothill Area (Section C, Item No. 3). One of the two criteria used was: “Subject has been seen frequenting gang areas.” Auditors reviewed the Department’s Gang Area Territory Maps and determined that the Subject was outside of the borders of the gang area.

Further, there was one situation where only a single criterion was used to enter the Subject’s information into the Database:

1. Incident No. 41 – Wilshire Area (Section E, Item 1). Only one criterion, “Subject has been seen frequenting gang areas,” was entered into the Database. The auditor determined that the Subject was seen in a gang area; however, two criteria are needed for entry into the Database.

In this example, the officer may have known of other criteria that applied to the situation; however, because the methodology used for this review by the auditor, which did not involve the review of FI cards, the auditor was unable to confirm whether other criteria was noted on the FI card that would qualify the Subject for entry into the Database. It is also possible that the entry of a subject with only one criterion is attributable to error. This situation may have been mitigated if a third party reviewed the FI card and compared it to the BWV prior to entering the information into the Database as is now required.

VII. RECOMMENDATIONS

Should the LAPD wish to continue using the Database the following steps are recommended as necessary to ensure that the Database is accurate and therefore useful.

1. Develop More Specific Criteria for Entry into the Database

While training was previously provided regarding appropriate entries into the Database during initial GED training, additional training is needed to ensure that self-admission indicates current membership in a gang. This lack of consistency appears to indicate that officers do not have sufficient knowledge regarding what satisfies the criteria for self-admission. Further, upon implementation of an enhanced training program, Audit Division recommends a post-training audit or review to confirm whether the training results are more compliant with Database criteria. Audit Division also recommends that the LAPD Personnel and Training Bureau follow up with the California Department of Justice for assistance with a testing method, and clarification regarding terminology used, to ensure that officers have the information they need to make accurate entries into the Database.

2. Implement Levels of Database Entry Review

Administrative Order No. 22, dated December 9, 2019, entitled, *Contacts with Gang Members – Revised; miscellaneous forms and guides pertaining to the Gang Enforcement Detail and Gang Impact Team Operations in Reference to the shared gang Database – Revised; and, shared gang Database spreadsheet guide, Form 12.16.24 – Activated*, delineates the supervisory review process prior to Database entry. This document was distributed after the compilation of the source documents and BWV for this review.

It is recommended that periodic inspections of this process be conducted to verify accuracy of Database entry. It is believed that with such review of information prior to entry into the Database, any errors during the entry process.

While it is important that data is entered into the Database as quickly as possible, it is more important that the information be as accurate as possible. A suggestion would be to have a third party, such as a Police Performance Auditor or other civilian position, trained in the entry requirements for the Database, be able to review and enter the subject. The personnel would review the FI card(s) for completeness and compare the information with the officer's BWV. Any information determined to be inconsistent with Database requirements would be forwarded to the appropriate supervisor for follow up with the officer in question. This process would reduce the entry of information that is inaccurate or is difficult to ascertain without additional documentation by the officer.

3. *Require Three Criteria When Using “Seen Associating with Documented Gang Members” or “Seen Frequenting Gang Areas.”*

In addition to clarifying criteria used for entry into the Database, it is noted that several entries for the 35 and older population involve the combination of “seen frequenting gang area” and “seen associating with gang members.” While an individual might have participated in a gang as a teenager or young adult, they may have left the gang by age 35. If the individual continues to socialize with those the person grew up with, or continues to dress like their peers, or revisits the neighborhood of their youth, unless officers are sensitive to these possibilities during contacts, the individual may continue being entered into the Database despite no longer being a current gang member. Many of these factors may also apply to individuals who were never gang members, but who visit family or friends in these areas or dress like their peers.

REVIEW OF METROPOLITAN DIVISION'S FIELD INTERVIEW CARDS AND BODY WORN VIDEO

I. INTRODUCTION

A. Review of Current System

Audit Division reviewed the Field Interview Cards (FIs) filled out by four platoons from the Los Angeles Police Department (LAPD) Metropolitan Division (Metro) from March 2018 to June 2019, for two specific purposes: 1) to determine whether gang FIs that officers completed during subject contacts matched their Body Worn Video (BWV); and, 2) to compare the FIs to their corresponding entries in the CalGang Database (Database) to determine what quality and quantity of information was entered into the Database.

B. Data and Observations from Current System Review

Audit Division reviewed FIs marked as gang FIs in response to concerns that there might be systemic problems with Metro, the entire Department, and the Database. The review showed that there were significant discrepancies in how FIs are filled out, especially on gang stops, which resulted in discrepancies when those FIs were used as source documents for Database entries. These discrepancies appear to come from a lack of clarity about criteria, as well as some training issues and lack of resources for data entry. For example, when an FI asked for specific information, the officers consistently correctly filled out the FI and the review did not reveal problems with the names, dates of birth, locations or incident numbers for which there are boxes to fill.

The recommendations below, along with the proposed new policies and possible technological fixes, are to address the following issues:

C. Challenges Presented by the Current System:

- The most pervasive issue throughout the Metro Platoons and the FIs appears to be the inconsistency of the narrative information that is written on the FI (see Section V.1);
- The choice of words an officer uses to pose questions to the subject regarding his or her gang status, particularly as it applies to past vs present membership, are important (see Section V.2);
- The ambiguity of the criteria used to enter a subject into the Database leaves the interpretation of that criteria to an officer's discretion (see Section V.3);
- There appears to be insufficient internal Departmental review to ensure that the information on the FI is correct and complete (see Section V.4); and,
- There appears to be a lack of documentation supporting the information that is entered into the Database (see Section V.5).

D. Recommendations to Improve Data Accuracy

In addition to collecting data regarding subject contacts that were entered into the Database, Audit Division considered solutions to the problems described above including training, corrective measures, and policy changes that can be made to ensure that the Database is an efficient and useful tool.¹ Audit Division offers the following recommendations to assist with more accurate completion of FIs and entries into the Database:

- Enhance training relative to determining self-admission status for Database entry (see Section VI.A);
- Develop more specific criteria for various entries into the Database (see Section VI.B);
- Implement progressive levels of FI entry review (see Section VI.D); and,
- Make technological improvements to automate systems (see Section VI.E).

II. SCOPE OF REPORTS

A. FI Cards and Areas Reviewed

Audit Division examined 255 FIs from the four crime suppression Metro Platoons covering all four bureaus, 15 of 21 Divisions, and 223 of 264 officers assigned to Metro Platoons A, B, C, and G.² The randomly sampled FIs came from subject encounters that took place between March 2018 and June 2019. The breakdown of FIs by Area was as follows: 46 FIs from 77th Street, 32 from Newton, 16 from Wilshire, Hollywood, Rampart, Central, and Hollenbeck, 15 from Harbor, Southeast and Southwest, 13 from North Hollywood and Van Nuys, 11 from Foothill, nine from Mission, and six from West Valley.³ These FIs were randomly sampled by Platoon as follows:

- 64 from A Platoon (covering 51 officers working in three bureaus and four Areas; Wilshire, Hollywood, Newton and 77th Street);
- 64 from B Platoon (covering 67 officers working in one bureau and four Areas: Rampart, Central, Hollenbeck, and Newton);
- 62 from C Platoon (covering 50 officers working in one bureau and four Areas: Southwest, Southeast, Harbor, and 77th Street); and
- 65 from G Platoon (covering 55 officers working in two bureaus and six Areas, Foothill, North Hollywood, Van Nuys, West Valley, Mission and 77th Street).

¹ Database entries reflect information available through April 30, 2020.

² Any FIs for the officers who appear to have fabricated information were excluded from the sample and were incorporated into the personnel complaint investigation.

³ When determining the quantity of FIs to review per Division, Audit Division evaluated the amount of time each platoon was deployed into those Divisions during the reporting period.

B. CalGang Database Inclusion Criteria

The Database currently has eight criteria for identifying individuals as gang members or gang associates. Indicators of gang membership shall include **at least two** of the following criteria:

1. Subject has admitted to being a gang member;
2. Subject has been arrested for offenses consistent with gang activity;
3. Subject has been identified as a gang member by a reliable informant/source;
4. Subject has been seen associating with documented gang members;
5. Subject has been seen displaying gang symbols and/or hand signs;
6. Subject has been seen frequenting gang areas;
7. Subject has been seen wearing gang dress; or,
8. Subject is known to have gang tattoos.

Note: The criteria are written in a way that allows for confusion, misinterpretation, or difficulty in corroborating the information using BWV. For example, the criteria of “subject has admitted to being a gang member” is neither qualified nor defined in either the Database or the LAPD Manual. This creates confusion as to whether “has admitted” and “being” refer to the current or past state of belonging to a gang. Similarly, the Database lists as a criterion, “known to have gang tattoos.” There is no guidance on where this knowledge should come from or how current it must be (i.e. from prior encounters or Database research). Therefore, lack of BWV is not necessarily an issue because the current standard does not require the officer to physically see the tattoos on the date of the FI.

C. Frequency of Criteria Notations

Not all criteria are noted with the same frequency. For example, of the 255 FIs examined, none of them indicated that: 1) the subject had been arrested for offenses consistent with gang activity; 2) the subject had been identified as a gang member by a reliable informant/source; or, 3) the subject had been seen displaying gang symbols and/or hand signs. The following chart shows the frequency of the criteria noted by Platoon:

Table 1 – Metro’s Use of Gang Criteria for Database Inclusion on FI

Platoon	Self-Admit	Gang Tattoo	Associate with gang members	Frequent gang areas	Wearing gang dress	Arrested for gang offenses	Reliable Source	Symbol or signs
A	40	34	6	6	5	0	0	0
B	38	55	9	1	1	0	0	0
C	35	25	16	4	0	0	0	0
G	30	42	7	0	0	0	0	0
Total	143 ⁴	156	38	11	6	0	0	0

⁴ Three of these FIs contained self-admissions to gang association.

Based on the numbers in Table 1, the review concentrated on the two areas that were most often documented on FIs: 1) the subject admitted to being a gang member; and, 2) the subject was known to have tattoos. The review also looked briefly at gang association, dress, and areas since these criteria were also noted, though less frequently, on the FIs reviewed.

III. SUMMARY OF FINDINGS: COMPARING THE FI CARDS TO BWV

A. Comparing FIs to BWV Regarding Self-Admission to Gang Membership

Overall, the BWV corroborated the FIs where the subject admitted to “being” a gang member; however, the most pervasive finding was confusion over whether “self-admitted” meant the subject admitted to *current* membership in gang or whether he or she admitted only to *prior* membership in a gang. Additionally, BWV showed a large percentage of subjects admitting to gang membership while the FI did not reflect that criteria.

1. FIs Examined Showed that “Self-Admitted” Was A Frequently Used Criteria

Overall, approximately 56% of the time (143 of the 255) the FIs examined indicated that the individual self-admitted to being a gang member. The number of FIs indicating self-admission are as follows:

- A Platoon - 40 of 64 (63%);
- B Platoon - 38 of 64 (59%);
- C Platoon - 35 of 62 (56%); and,
- G Platoon - 30 of 65 (46%).

2. BWV Corroborated the FIs’ Notations of Self-Admission 89% of the Time

Of the FIs that indicated the subject self-admitted, BWV corroborated a self-admission 89% of the time (127 of the 143 cases). Here, while G Platoon had the lowest percentage of FIs noting self-admission, it had the highest percentage of BWV corroboration for that self-admission:

- A Platoon - 34 of 40 (85%);
- B Platoon - 33 of 38 (87%);
- C Platoon - 32 of 35 (91%); and,
- G Platoon - 28 of 30 (93%).

Additionally, three FIs contained a notation of self-admission as an associate or self-admission to a moniker only. Because the self-admission was to association not membership, these FIs were not counted in the self-admission to gang membership category. Nonetheless, of those three, Audit Division noted that C Platoon contained one FI noting that the subject admitted to gang association, but not gang membership. This was verified on BWV. G Platoon contained two FIs noting that the subject admitted to gang association, but not membership. One of these was corroborated by BWV; in the other, the subject denied gang association.

3. *Of the Corroborated Self-Admissions, Subjects Admitted to Current Gang Membership 55% of the Time and to Past Gang Membership 45% of the Time*

Audit Division then reviewed the 143 FIs that indicated the subject had self-admitted to gang membership and further refined this review to determine the number of BWVs that corroborated self-admission to *current* gang membership separately from the number of BWV that corroborated self-admission to *prior* gang membership. Of the 127 FIs where an officer noted self-admission *and* that self-admission was corroborated by BWV, 55% of the individuals admitted to current membership in a gang (see Table 2). The other 45% admitted to prior gang membership. The following chart shows the breakdown by platoon:

Table 2 – Corroborated Self-Admission by Platoon

Platoon	Corroborated Self-Admission to Current Membership	Corroborated Self-Admission to Prior Membership	TOTAL
A Platoon	15 (44%)	19 (56%)	34
B Platoon	13 (39%)	20 (61%)	33
C Platoon	25 (78%)	7 (22%)	32
G Platoon	17 (61%)	11 (39%)	28
TOTAL	70 (55%)	57 (45%)	127

Notably, when reviewing the BWV, Audit Division found that many officers asked subjects about their gang membership by using the past tense only or asked in the negative, such as “Where did you used to be from?” or “You don’t bang now though?” It appears that this is a learned manner of talking to the individuals with whom the officers come into contact. Because the purpose of the Database is to track active gang members who might be the perpetrators of crimes and not to monitor those who may have, at one time, obtained certain gang-style tattoos and/or may have been in a gang, the LAPD previously conducted training on this subject in the past. Audit Division recommends that this training be revisited and continue to ensure that the confusion is eliminated (see Recommendations below). Further, Audit Division recommends that, even if the State criteria stay the same, LAPD narrow the criteria for gang member documentation to a subject’s current status, especially for the self-admitted, tattoo, and gang location criteria, and require more detailed information for the gang dress criterion (see Conclusion 3).

4. *BWV Could Not Corroborate FIs Noting Self-Admission 11% of the Time*

There were a total of 16 FIs within the 143 self-admitted FIs where BWV did not corroborate the notation of self-admission on the FI. This represents eleven percent. All such instances have been given to Internal Affairs Group for further evaluation and investigation.

In eight of the 143 cases (5.6%) where the FI indicated self-admission, the BWV showed a

denial or refusal to admit.⁵ Specifically, the eight who denied or refused to admit were broken down by platoon as follows:

- **A Platoon** – of the 40 FIs that included self-admission, four (10%) denied or refused to admit gang membership on BWV;
- **B Platoon** – of the 38 FIs that included self-admission, three (8%) denied or refused to admit gang membership on BWV;
- **C Platoon** – of the 35 FIs that included self-admission, one (3%) denied or refused to admit gang membership on BWV; and,
- **G Platoon** – of the 30 FIs that included self-admission, none (0%) denied or refused to admit gang membership on BWV.

Furthermore, in the other eight of the 143 cases (5.6%), the FI indicated self-admission and the BWV showed a failure to question the subject about gang membership. Specifically, the following numbers were found by platoon:

- **A Platoon** – of the 40 FIs that included self-admission, two (5%) subjects were not questioned and/or there was no conversation about gang membership on BWV;
- **B Platoon** – of the 38 FIs that included self-admission, two (5%) subjects were not questioned and/or there was no conversation about gang membership on BWV;
- **C Platoon** – of the 35 FIs that included self-admission, two (6%) subjects were not questioned and/or there was no conversation about gang membership on BWV; and,
- **G Platoon** – of the 30 FIs that included self-admission, two (7%) subjects were not questioned and/or there was no conversation about gang membership on BWV.

As previously stated, BWV is subject to certain limitations. Those limitations, in combination with the ambiguity in the language of the Database criteria, lead to the possibility of over-emphasis on BWV and a belief that it is definitive, when, it is merely corroborative. Lack of corroboration does not necessarily mean there has been a falsification. For example, in at least one case in B Platoon, a review of BWV showed that the officers demonstrated a familiarity with the subject. There are no Database instructions stating that a person must admit to being a gang member on the occasion that the FI is completed. This encounter illustrates how, “Subject has admitted to being a gang member” could be noted from a prior encounter. Moreover, this audit looked only at FIs and whether the FI was corroborated by BWV. The audit did not investigate whether the FI was the beginning of a larger investigation that resulted in arrest reports or other documentation. Therefore, a finding that the BWV does not corroborate an FI card does not mean that there is not documentation elsewhere that is not the subject of this audit. All of that

⁵ An example of such a denial was when one subject stated, “You already documented. I am not going to self-admit anything because you guys got your body cameras and everything. I am not going to self-admit. You already documented me.”

said, one purpose of the FI is to allow the officer to whom the subject admitted to being a gang member to testify in court. The testimony could be questioned if the officer filling out the FI does not obtain an admission on the date the FI is completed. In the case described here, the FI was not the basis for an entry into the Database.

B. BWV Showed 57% of Subjects Admitted to Past and/or Current Gang Membership, Even though Such Admission Was Not Noted on the FI

Approximately 43% of all FIs examined (109 of 255) did not contain a notation showing that the individual self-admitted to being a gang member. However, BWV showed that 57% of those subjects self-admitted to past or present gang membership. The breakdown is as follows:

Table 3 – FIs Without Self-Admission Noted

Platoon	FIs without Self-Admission noted	BWV Shows Admission to Prior Gang Membership	BWV Shows Admission to Current Gang Membership
A Platoon	24 (9% of total)	11	3
B Platoon	26 (10% of total)	13	2
C Platoon	26 (10% of total)	9 ⁶	3
G Platoon	33 (13% of total)	11	10
Total *	109 (43% of total)	44	18

* Total does not include three self-admissions to gang associate.

In other words, even when the FI did not note it, the BWV shows that subjects admitted to gang membership (past or present) 57% of the time (62 of 109; see totals in Columns 3 and 4 in Table 3) compared to 89% of the time (127 of 143) when noted on the FI. Specifically, looking at the FIs that did not contain a notation for self-admission, 18 of the 109 subjects interviewed admitted to current gang membership on BWV, and 44 of the 109 admitted to prior gang membership. Thus, when self-admission is not noted on an FI, the subject admits to current gang membership 17% of the time and prior gang membership 40% of the time, as opposed to 55% and 45% respectively when the FI documented self-admission.

When reviewing all 255 FIs along with corresponding BWVs by Platoon, the number of self-admissions, both noted and not noted on the FIs, are as follows:

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⁶ This total does not include one subject who claimed he was previously documented in error.

Table 4 – Self-Admission, Noted and not Noted on FI by Platoon

Category of FI/ BWV comparison	A	B	C	G
Self-admissions to prior membership on both FI & BWV	19	20	7	11
Self-admissions to current membership on both FI & BWV	15	13	25	17
Self-admissions to prior membership on BWV only, and not on FI	11	13	9	11
Self-admissions to current membership on BWV only but not on FI	3	2	3	10
Self-admissions on FI but no questions about gang membership asked on BWV	2	2	2	2
No self-admission on FI and not asked about gang membership on BWV	1	2	3	3

Thus, in 189 of the 255 interviews (see Rows 1-4 in Table 4), or 74% of the time, there is an admission to some gang membership (past or present) captured on BWV. However, self-admission is noted on 143 FIs, or 55% of the time, and those 143 FIs contain 16 instances where self-admission is not corroborated on BWV.

In addition, there are 106 total BWVs (officer and partners) showing an admission to gang membership (past or present) without the admission being noted on the FI. This means that a person who admits to gang membership has a 46% chance of having the FI reflect that admission. However, it also means that a person who does not admit to gang membership has a 36% chance of having an FI state that person is in a gang. This suggests that LAPD is not consistent in the way it treats self-admission in at least two ways. First, there appears to be confusion over whether, when the subject self admits, the admission represents gang membership in the past or present. Second, FIs are not completed in a consistent manner when a subject admits to being a gang member. This could be an example of an officer exercising discretion, or it could be a training issue (see Recommendation 1 below in Section V).

Despite the high rates at which subjects admitted to being a gang member, in about six percent of all Metro gang FIs, officers did not ask whether a subject is or was a member of a gang. This is another type of inconsistency, and there are several possible reasons for an officer's failure to note this information on FIs. These reasons include insufficient training, a legitimate use of officer discretion, or, in the case of failure to note gang membership on the FI, the officer's knowledge of the subject's status based on past experience and the possible assumption that there is no need for such a notation. There is also the possibility that more training is needed and/or additional documentation for the officer's reasoning needs to be noted on the FI.

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C. Comparing FIs to BWV Regarding the Criteria that “Subject is Known to Have Tattoos”

1. There Was a Great Disparity Among Platoons (between 40% and 86%) in Noting the Presence of Tattoos on FIs

As shown in Table 1, 156 of 255 FIs noted that the interviewed subject had gang tattoos. Overall, gang tattoos were noted on FIs 61% of the time. However, there is substantial disparity among the Platoons when noting the presence of gang tattoos. The breakdown is as follows:

- A Platoon - 34 of 64 (53%);
- B Platoon - 55 of 64 (86%);
- C Platoon - 25 of 62 (40%); and,
- G Platoon - 42 of 65 (65%).

2. BWV (and Audio) Corroborated FIs Regarding Tattoos 85 Percent of the Time

Determining whether the gang tattoo was visible to officers by looking at BWV was difficult because of the BWV’s limitations, including lack of clarity, lighting, lack of peripheral capture, and the fact that the BWV can be obscured inadvertently or on purpose. Further, the criterion states “[s]ubject is known to have gang tattoos,” not “officer sees gang tattoos at the time the FI is completed.” Finally, Audit Division learned anecdotally from officers that some subjects have multiple gang tattoos and there may be limited room on the FI to detail them all. Further, some may not be visible at the time the FI is completed. Overall, when comparing FI cards to BWV, Audit Division found that the FIs were corroborated by BWV, including audio, for gang tattoos approximately 85% of the time as follows:

A Platoon – 34 of the 64 FIs examined indicated the subject had gang tattoos. Audit Division found that nine FIs documenting gang tattoos could be verified by looking at the BWV. In another 23, gang tattoos were discussed, although they were not clearly discernable on BWV. If the discussions are included, BWV corroborated the FIs 94% of the time (32 of 34).

B Platoon – 55 of the 64 FIs examined indicated the subject had gang tattoos. Audit Division found 13 FIs documenting gang tattoos could be verified by looking at the BWV. In another 38, gang tattoos were discussed, but they were not clearly discernable on BWV. If the discussions are included, BWV corroborated the FIs 93% of the time (51 of 55).

C Platoon – 25 of the 62 FIs examined indicated the subject had gang tattoos. Audit Division found that nine FIs documenting gang tattoos could be verified by looking at the BWV. In another 11, gang tattoos were discussed, but they were not clearly discernable on BWV. If the discussions are included, BWV corroborated the FIs 80% of the time (20 of 25).

G Platoon – 42 of the 65 FIs examined indicated the subject had gang tattoos. Audit Division found 32 FIs documenting gang tattoos could be verified by looking at the BWV. In G Platoon there were no discussions regarding gang tattoos on BWV. As such, BWV corroborated the FIs 76% of the time (32 of 42).

D. Miscellaneous Findings

1. Subject Seen Associating with Gang Member as Documented on FI

- **A Platoon** - six of the 64 FIs (9%) indicated that gang association was determined.
- **B Platoon** - nine of the 64 FIs (14%) indicated that gang association was determined.
- **C Platoon** -16 of the 62 FIs (26%) indicated that gang association was determined.
- **G Platoon** - seven of the 65 FIs (11%) indicated that gang association was determined.

It should be noted that BWVs cannot always show all individuals involved in an encounter, including individuals who are with a subject. As a result, this Database criteria may have been noted appropriately on the FI, but not corroborated by the BWV.

2. Subject Seen Wearing Gang Dress

- **A Platoon** – five of the 64 FIs (8%) indicated the subject was seen wearing gang dress.
- **B Platoon** – one of the 64 FIs (2%) indicated the subject was seen wearing gang dress.
- **C Platoon** – none of the 62 FIs (0%) indicated the subject was seen wearing gang dress.
- **G Platoon** – none of the 65 FIs (0%) indicated the subject was seen wearing gang dress.

It should be noted that BWVs cannot always reveal the exact gang dress of the subject. As a result, this Database criteria may have been noted appropriately on the FI, but not corroborated by the BWV.

3. Subject Seen Frequenting Gang Areas

- **A Platoon** – six of the 64 FIs (9%) indicated that the subject was seen frequenting a gang area.
- **B Platoon** – one of the 64 FIs (2%) indicated that the subject was seen frequenting a gang area.
- **C Platoon** – four of the 62 FIs (6%) indicated that the subject was seen frequenting a gang area.

- **G Platoon** – None of the FIs (0%) indicated that the subject was seen frequenting a gang area.

It should be noted that BWVs cannot always indicate the location of the stop. As a result, this Database criteria may have been noted appropriately on the FI, but not corroborated by the BWV.

IV. SUMMARY OF FINDINGS: THE FIs AND THEIR IMPACT ON ENTRY INTO THE DATABASE

In addition to comparing the FIs and the BWV, Audit Division also reviewed new entries into, or extension of time within, the Database. Simply put, Audit Division examined with what frequency and what rationale Metro Division’s FIs were entered into the Database.

A. Metro FIs Contained Information that Would Allow a Subject to be Entered into or Retained in the Database 48% of the Time

At the time that the FI cards were completed, two of the above-referenced eight criteria were required to be entered into or extend the time that a subject remains in the Database. Thus, Audit Division looked at each of the 255 FIs and determined how many were eligible for entry into the Database. Approximately 48% (123 of 255) of the FIs contained two or more criteria that made the subject eligible for entry or retention in the Database (see Table 5 below). While the number of eligible FIs was consistent within Platoons, the number and percentage of entries varied widely by Platoon -- from zero to seventy percent. While Audit Division’s possession of FIs since December 2019 may have delayed entry into the Database, such an explanation raises another question about timing of entry.

Table 5 - Illustrating the Totals for FIs Eligible for Entry into the Database.

Platoon	Total Number of FIs Examined	Number of FIs Eligible for Entry into the Database (with two or more criteria)	Number of (% of) Eligible Subjects Entered from Examined FI
A Platoon	64	29	0 (0%)
B Platoon	64	40	28 (70%)
C Platoon	62	23	13 (57%)
G Platoon	65	31	15 (48%)
Total	255	123	56 (46%)

B. Fifteen Percent of the FIs Not Eligible for Entry into the Database Were Entered

Of the 132 FIs not eligible for entry into the Database, 20 (15%) were, nonetheless entered. Audit Division urges caution with this number as Table 6 below indicates the breakdown by platoon of entries when the FI cards had less than two criteria noted, but auditors did not determine whether there were other sources of data supporting Database entry:

Table 6 - Illustrating the Ineligible FIs Entered into the Database by Platoon

Platoon	Total Number of FIs Examined	Number of Ineligible FIs	Number of (% of) Ineligible FIs Entered in the Database
A Platoon	64	35	1 (3%)
B Platoon	64	24	10 (42%)
C Platoon	62	39	6 (15%)
G Platoon	65	34	3 (9%)
Total	255	132	20 (15%)

The method of entry of FIs into the Database varies. Some are entered by the officers themselves, and others are entered at the Area level by secondary officers and civilians who are assigned to administrative duties. In short, the platoon completing the FIs may not be as relevant as the location where the Platoon processed the FIs. Thus, Audit Division also examined the FIs that were ineligible for entry into the Database, but were nonetheless entered, and where such entry took place.

The 20 FIs that lacked two criteria but were entered into the Database were from the following Areas: five each from Hollenbeck and Rampart, three from Southwest, two from Southeast and one each from 77th, Central, Mission, Foothill, and North Hollywood. These entries were removed from the Database. Table 7 breaks down the FIs by Bureau:

Table 7 - Illustrating the Ineligible FIs Entered into the Database by Bureau

Bureau	Total Number of FIs Examined	Number of FIs <i>Not</i> Eligible for Entry into the Database (with less than two criteria)	Number of (% of) Ineligible Subjects Entered from Examined FI
Central	80	33	11 (33%)
South	93	54	6 (11%)
West	30	22	0 (0%)
Valley	52	23	3 (13%)
Total	255	132	20 (15%)

C. None of the Eight FIs that Noted Self-Admitted When the BWV Showed that the Subject Denied Gang Membership Were the Basis for First-Time Entry into the Database

As previously stated, the LAPD is concerned with the accuracy of any of its reports, including FIs. For this reason, Audit Division examined the instances where the FIs noted criteria that could not be corroborated by BWV to determine whether those FIs were entered into the Database. Specifically, Audit Division examined the eight FIs where a subject denied membership in a gang on the BWV, but the FI indicated self-admitted. Of those eight, none were entered into the Database for the first time based on the examined encounter. The specifics of

those encounters and the subjects' relationship to the Database is found in the detailed reports of each platoon as follows:

A Platoon –four subjects denied gang membership but the FIs for that encounter indicated self-admitted to gang membership. While none of these individuals were put into the Database based on the examined encounter, two were already in the Database.

B Platoon –three subjects denied or refused to answer regarding gang membership, but the FIs for that encounter indicated self-admitted to gang membership. While none of these individuals were put into the Database based on the examined encounter, all three were already in the Database.

C Platoon -- One subject denied gang membership but the FIs for that encounter indicated self-admitted to gang membership. While this individual was put into the Database based on the examined encounter, previous entries were already in the Database.

G Platoon -- None of the subjects who denied gang memberships had FIs claiming self-admitted.

D. The FIs that Noted Self-Admitted, but for Which the BWV Showed No Conversation about Gang Membership Were Attributed to Subjects who Were Already in the Database

Regarding the eight FIs examined (two per Platoon) where a subject was not questioned about his or her potential gang membership, but whose FIs indicated self-admission, none were first-time entries into the Database due to the FIs.

V. CONCLUSIONS

1. The most pervasive issue throughout the review appears to be the inconsistency of the information that is written on the FI. The review of Metro showed that FIs are not completed or entered into the Database in a consistent manner. There are several potential reasons for these inconsistencies, including: 1) the officer may have information not captured on BWV, 2) gang expertise is specialized and hard to quantify based on the criteria listed, and 3) the criteria listed are imprecise and undefined. For example, specific language of the criterion is "known to have gang tattoos," as opposed to "tattoos seen at the time the FI is completed." Audit Division also learned anecdotally from officers that some subjects have multiple gang tattoos and there is limited room on the FI to detail them all. Also, some tattoos seen in the past may not be visible at the time the FI was completed.

2. The words an officer uses to pose questions to the subject regarding his or her gang status are important. Speculation and interpretation were observed on the BWV involving both the officer and the subject. For example, an officer may pose the question, "Where you from?" when the question at hand is actually, "What gang do you currently belong to?" The subject may

interpret the first question in many ways, such as “Where were you born?”, or “What neighborhood do you currently live in?”, “What gang do you belong to?”, or “What gang DID you belong to?” When the subject provides an answer, such as “Venice,” the officer may incorrectly assume what “Venice” means and note “Self-Admitted Venice 13 Gang Member”, “Self-Admitted Current Venice 13 Gang Member”, or “Self-Admitted Prior Venice 13 Gang Member” while the subject *actually* meant, “I live in Venice Beach.”

While a review of this conversation on BWV would not support a self-admission in the example above, the officer is not intentionally mis-recording the information, but because of the ambiguity and assumptions made by both officer and subject, the notation may not be accurate.⁷ These kinds of interpretations appear to contribute to inaccuracies in the system.

3. A related issue is the ambiguity of the criteria regarding the entry of a subject into the Database and the interpretation of that criteria by the officers. As stated previously, the criterion “Subject has admitted to being a gang member” can be viewed in a multiple ways. The same is true of the criterion, “Subject is known to have gang tattoos.” The Database criteria are written in a general manner and therefore subject to a wide range of interpretation, which may cause inconsistency in how the information is written and entered. One officer may take both these statements to mean “on the date of the encounter” while another may take both of the above statements to mean “at any time over the life of the subject.” Neither officer is incorrect based on the way the criterion is written. Additionally, the second officer, who may have dealt with the subject many times in the past, may write that the subject “self-admitted” or “has gang tattoos” even though the BWV shows that the subject did not say he was a gang member nor show his tattoos. Further, officers may write no more than “dressed down” or “gray hoodie, black shorts, and black shoes” for gang dress without articulating the specific symbol that indicates gang membership. For gang location, an officer may note a pre-existing residential address from the Database, or may refer to an entire neighborhood rather than a specific location.

4. There appears to be insufficient review to ensure that information on the FI is correct and complete. One of the tasks of an officer’s supervisor is to review FI cards as well as BWV. Under the current ideal scenario, the supervisor reviews the BWV for each stop and compares it with the documentation of the incident for verification. Practically speaking, review of the BWV does not happen every time, and a supervisor often reviews the FI card for completeness to help ensure that elements of the crime are described in the report rather than confirm the number of criteria met for entry into the Database. Therefore, it becomes incumbent upon the supervision to ensure that the work product produced by the officers is correct and accurate.

5. Finally, there appears to be insufficient detail supporting the information that is entered into the Database. For example, an entry into the Database might be completed by the officer who interviewed the subject. The officer may write “self-admitted” in the notation section of the FI, along with 108th Street and Grape Street in the location section. When entering information on the FI, the officer may believe that he or she noted two appropriate criteria (self-admitted and known gang area) and therefore entered the FI into the Database. The FI may not clearly state

⁷ This example is purely hypothetical.

that 108th Street and Grape Street is a known gang location and may not include the officer's knowledge that the address is a known Grape Street gang hangout. If a reviewer researches the encounter, BWV may show the self-admission, but would be unlikely to show sufficient details of the gang location.

Throughout this review, it was noted that there is significant detail that was not documented on many FIs. This creates an ambiguity that allows for interpretation, and such an interpretation would be difficult to confirm or justify with provable facts when presented in court, during a Database removal review, or if an auditor is reviewing how such a determination or entry was made.

VI. RECOMMENDATIONS

1. *Enhance Training and Testing Relative to Self-Admission Status for Database Entry*

While training was previously provided regarding appropriate entries into the Database, additional training is needed to ensure that self-admission indicates current membership in a gang.⁸ This lack of consistency appears to indicate that officers do not have sufficient knowledge regarding what satisfies the criteria for self-admission. Further, upon implementation of an enhanced training program, Audit Division recommends a post-training audit or review to determine whether the training results are more compliant with Database criteria. Audit Division also recommends that the LAPD Personnel and Training Bureau follow up with the California Department of Justice for assistance with a testing method, and clarification regarding terminology used, to ensure that officers have the information they need to make accurate entries into the Database.

2. *Develop More Specific Criteria for Entry into the Database*

Based on the data collected, it appears that the criteria supporting entry might be misunderstood, or under a worst-case scenario, manipulated. Therefore, the LAPD should request that the California Department of Justice adopt more specific guidelines for each of the Database criterion. For example, "Subject admitted to being a gang member" becomes, "Subject admitted in the encounter with the interviewing officer to being a *current* gang member." It is recommended that the LAPD Gang and Narcotics Division define "self-admission" to include clearly indicating on an FI a subject's explicit admission of *current* gang membership. Gang membership may still be established by the other criteria as stated within *Department Manual*, Volume 4, "Line Procedures," Section 269.20, Criteria for Gang Member Documentation. It is further recommended that LAPD Gang and Narcotics Division provide clarification when completing the "gang/club" section of the FIs, such as requiring additional information on the back of the FI explaining the reason for including gang/club names. Additionally, it may be prudent to

⁸ All officers, prior to being given access into the Database, are provided with training on how to access and make entries into the Database. A refresher training regarding the entry into the Database was provided to all of Metro and Gang Enforcement Detail officers in January and February of 2020.

change the FI card itself and add a box in the “Gang/Club” location for ‘Current’ and ‘Prior.’

3. *Implement Levels of FI Entry Review*

Administrative Order No. 22, dated December 9, 2019, entitled, *Contacts with Gang Members – Revised; miscellaneous forms and guides pertaining to the Gang Enforcement Detail and Gang Impact Team Operations in Reference to the shared gang Database – Revised; and, shared gang Database spreadsheet guide, Form 12.16.24 – Activated*, delineates the review process for Database entry. This document was distributed after the auditors completed their review of the source documents and BWV.

It is recommended that periodic inspections of this process be conducted to verify accuracy of Database entry. It is believed that with such review of information prior to entry into the Database, any errors during the entry process.

4. *Technological Improvements to Automate Systems*

Finally, it is recommended that the FI system be automated. By using the mobile phones assigned to each officer, along with their BWV, an application could be created and launched to have electronic FIs entered in a system. This system could allow for data to be entered electronically and uploaded to a server automatically. Doing so would reduce the lag time in entry, duplication of effort involving recording an entry on a physical card and then manually entering the same information in a Database and reduce chances of error. Furthermore, with a few additional questions, the Field Data Report (FDR) could also be completed electronically by using some of the data gathered during the completion of the FI. The cost of such an application may be offset over time by improved accuracy and reduction in staffing efforts to enter the information by hand to the FDR and Database systems.