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TURNING COPS INTO LIARS

Keeping score can distort what officers do



Quality is Job 1.

For Police Issues by Julius (Jay) Wachtel. What do “Adrian Flores, Jasean Carter, Dontae Kelly, Juan Garcia, Lamonte Jenkins, Jameis Beatrice, Wilford Jones, Jameal Quaran, Rapaul Winston, Marquis James, Devon Canzalez, Ramon Gutierrez, Hector Amaya, Wilmer Francisco, Julio Espinosa, Gerald Matthews and Jorge Rodriguez” have in common?

If you guessed “they don’t exist!” give yourself a pat on the back. [A massive complaint](#) filed by the L.A. County D.A. alleges that these seventeen characters were “fictional persons” brought to life by three LAPD officers who during the period March 2018 to January 2019 submitted field interview cards falsely claiming that each had been stopped and duly identified as a gang member.

So what do “Jaron P., Angelo M., Chris C., Kivon W., Alden O., Isiah B., Lawrence J., Antonio M., John S., Gadseel Q., Jose Q., Justin H., Emmanuel B., Bryan G., Jose J., Billi J., Alejandro R. and Andres A.” have in common?

If you guessed “they’re real, but not gang members” have one on us! According to the complaint, these were real people whom the officers falsely labeled as belonging to a street gang. Officers had helpfully supplied each one’s purported moniker (e.g., “Dub Bird”) and, for most, described their gang tattoos.

Natch, once the jig was up each F.I. card became a separate felony count of “Preparing False Documentary Evidence” ([Calif. Penal Code section 134.](#)) Officers also included false gang affiliations in crime reports; each became a felony count of “Filing a False Report” ([P.C. 118.1.](#)) Including conspiracy ([P.C. 182\[a\]\[5\]](#)), the cop who apparently led the enterprise was charged with *fifty-nine* counts. One of his partners was included in thirteen; another in five.

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In all, the damage done seems substantial. In addition to influencing enforcement and prosecutorial decisions, the bogus data was entered into the statewide [Cal Gangs database](#), becoming a source of misleading information and saddling dozens with unearned “gang” labels that could, among other things, make them vulnerable to enhanced sentencing should they be convicted of crimes in the future. Concerns about abundant falsehoods recently led the State Attorney General [to strip all LAPD contributions](#) from the database.

As things stand, there won't be any more. In “[Recipe for Disaster](#)” we discussed how the mess first came to light. According to [a January 7 LAPD news release](#), an internal inquiry began when a mother contested the accuracy of an official letter informing her that her son was a gangster. As they compared officer body-cam videos with field interview cards – [the technique that prosecutors say](#) underpinned the charges – internal affairs investigators came to believe that as many as [twenty members](#) of LAPD's elite “Metro” group had been exaggerating their productivity by simply making things up. While some of the inconsistencies were ultimately attributed to errors and such, there was no mistaking a fifty-nine count criminal complaint. And once that lid blew LAPD Chief Michel Moore decided to withdraw his agency from CalGangs altogether.

By this point, complaints from Black citizens that they were being unfairly targeted had led the chief to reorient Metro from stop-and-frisk to other approaches (see [Scapegoat, Part I.](#)) But it's not as though LAPD can simply back off from crime-fighting. Major-city violence has definitely taken a turn for the worse. Through July 11 [LAPD reported](#) 151 homicides compared with 134 during the same period last year. An even sharper increase has beset New York City. [Through July 12](#) its portal reports 203 murders and 634 shootings compared with 165 and 394 during that period in 2019. [Commenting on the spike](#), NYPD Commissioner Dermot Shea blamed areas “overrun by gangs”:

There is a lot of gang activity, a lot of drug activity. It's bad people with guns, and it doesn't get any simpler than that. People settling scores, spraying a crowd.

Ditto Chicago. [Its Compstat pages](#) report 385 murders and 1541 shootings in 2020 through July 12 compared with 260 and 1059 during the same period in 2019. (Click [here](#) for the *Tribune* story.) As [academics occasionally concede](#), intensively policing troubled areas (i.e., “hot spots”) can tamp down violence. So while the Windy City's Black police chief, David Brown, says he's sensitive to the concerns of the post-George Floyd era, the appalling forty-eight percent increase in killings led him [to revisit the](#)

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[concept](#) of a citywide violence suppression team that could prevent and if necessary deal with flare-ups. Um, a “Metro” group, so to speak.

New York City, Los Angeles and Chicago maintain public Compstat portals that offer detailed statistics on crimes including murder, sexual assault, robbery, aggravated battery, burglary, theft and motor vehicle theft. Data is aggregated weekly, and the manner of its display enables ready comparisons over periods as long as four years. Bottom line: these are the numbers, and numbers don't lie! Although aggregate crime statistics obscure the fact that many neighborhoods remain disproportionately impacted by violence (see, for example, [“Place Matters”](#)) New York and Los Angeles are fond of bragging about their [“crime drops.”](#) Police brass inevitably feel judged (and undoubtedly *are* judged) by crime numbers, their change over time, and how their cities compare with other places. Should they feel discontent, subtle and not-so-subtle pressures to assign serious crimes to lesser categories can flow through the ranks (see, for example [“Cooking the Books”](#)). Transforming “aggravated” assaults into “simple” assaults – or, even better, not reporting them altogether – can help everyone's prospects, from a lowly precinct Captain all the way to the chief. And, come election time, even the mayor!

Such tricks have their limits. It's a lot tougher to ignore bodies as they pile up. So even in today's atmosphere, when calls for the police to back off seem pervasive, the “bluest” of the media will jump on the cops should things spin murderously astray. Consider, for example, this July 16 piece in the *New York Times*: [“Shootings Have Soared. Is the N.Y.P.D. Pulling Back?”](#) Here's a small slice of its pan:

Arrests have declined drastically this summer, falling 62 percent across the board for the last four weeks compared with the same period last year, police data show...Gun arrests have dropped 67 percent during the same four weeks compared with last year, even as shootings have continued to spiral upward.

Despite its reputation as a police scold, the *Times* is sparing no effort to disparage officers for supposedly doing less. For a bit of whiplash, keep in mind that it was criticism from the “blues” [that drove NYPD to disband](#) a citywide anti-crime unit that focused on getting guns off the street. A mere month later, the same commissioner who pulled the plug is [planning to reverse course](#).

He'll discover what police well know. To have a *real* effect on violence requires more than filling out cards. It calls for smartly targeted stops that yield [a substantial increase in desirable outcomes](#) such as gun seizures and arrests. But making more such stops legally – that is, with adequate justification – can prove challenging under the best of

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circumstances. Now consider the [charged, production-oriented environment](#) officers faced in Metro:

Multiple law enforcement sources told NBCLA's I-Team that Metro Division officers had been pressured by their commanders to show that their patrols were productive. Officers assembled daily statistics about the number of people they stopped and questioned, the number of contacts with gang members, the number of arrests, and other metrics.

While the LAPD hierarchy “denied there was pressure to produce any particular type of statistics,” the potentials for abuse are obvious. Your blogger was well aware of pressures to produce throughout his law enforcement career. Indeed, they became fodder for his doctoral dissertation, “Production and Craftsmanship in Police Narcotics Enforcement” (for an article based on this work click [here](#).) What he discovered wasn't exactly new: doing a “quality” job in policing is like doing “quality” work [in any other craft](#). Say, woodworking. It requires attention to detail and a commitment to do one's best without cheating or taking shortcuts. Should outcomes prove less than perfect good cops own up to their mistakes, do what they can to fix things, and hopefully use what they learned to prevent flub-ups in the future.

Where to start? We must define precisely what “quality” means for each task, from patrol to the chief. If counting has a place – after all, for duties such as traffic enforcement, numbers can be useful – its role must be clearly articulated. One could use the process your blogger recently articulated in *Police Chief* magazine (“Why do Officers Succeed?” Click [here](#) and scroll to p. 26. Or [contact](#) the writer and ask for a .pdf).

In this numbers-obsessed, Compstat-driven era, “productivity metrics” have reached absurdist heights (for an example click [here](#).) They've provided officers so inclined an impetus for out-and-out lying, as exemplified in the accusations against LAPD Metro's “three bad apples.” More broadly, society's obsession with counting, [which we've traced](#) to a late defense secretary's obsession with counting “bombs dropped, acres deforested and enemy killed” during the Vietnam war has displaced other, far more worthy objectives. Like [building safe planes](#). And [dispensing the right drugs](#). And, in policing, properly arresting the truly deserving. Let's quote one of the narcotics detectives we interviewed for that long-ago dissertation ([article, p. 269](#)):

Make cases, put people in jail, numbers. Our department right now is heavily into numbers. It's not so much the quality of the case but it's how many cases you do...because there are stat's being taken through the chain of command.

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Imploring officers to do quality work while our fingers are crossed behind our backs can only contribute to the cynicism. Management's commitment to do "well" instead of "more" must be genuine. As that old Ford ditty goes, let's truly make quality "Job #1"!