

INTRADEPARTMENTAL CORRESPONDENCE

November 15, 2013
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: INTERFERING/RESISTING ARREST AUDIT (IAID NO. 13-006)

RECOMMENDED ACTIONS

1. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Interfering/Resisting Arrest Audit.
2. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

Internal Audits and Inspections Division conducted the Interfering/Resisting Arrest Audit to evaluate compliance with related Department policies and directives. The audit included a review of the processes pertaining to the documentation of interfering/resisting type arrests by Department Watch Commanders.

If additional information regarding this audit is required, please contact Gerald L. Chaleff, Special Assistant for Constitutional Policing, at (213) 486-8730.

Respectfully,

A handwritten signature in black ink, appearing to read 'Charlie Beck', with a stylized, looping design.

CHARLIE BECK
Chief of Police

Attachments

LOS ANGELES POLICE DEPARTMENT
INTERFERING/RESISTING ARRESTS
AUDIT
(IAID NO. 13-006)



CHARLIE BECK
Chief of Police

May 2013

TABLE OF CONTENTS

INTERFERING/RESISTING ARREST AUDIT

PAGE NO.

| | |
|---|-----------|
| <u>EXECUTIVE SUMMARY</u> | i |
| <u>PURPOSE</u> | 1 |
| <u>PRIOR AUDIT</u> | 1 |
| <u>BACKGROUND</u> | 1 |
| <u>METHODOLOGY</u> | 1 |
| <u>SUMMARY OF FINDINGS</u> | 2 |
| <u>DETAILED FINDINGS</u> | 3 |
| OBJECTIVE No. 1 - CONSISTENCY, ACCURACY, AND COMPLETENESS BETWEEN ADULT/JUVENILE DETENTION LOGS AND WATCH COMMANDER'S DAILY REPORTS | 3 |
| OBJECTIVE No. 2 - CONSISTENCY, ACCURACY, AND COMPLETENESS BETWEEN BOOKING APPROVALS AND ARREST REPORTS | 5 |
| OBJECTIVE No. 3 - WATCH COMMANDER'S DOCUMENTATION OF THE INTERFERING/RESISTING ARRESTS IN THE WATCH COMMANDER'S DAILY REPORTS | 7 |
| OBJECTIVE No. 3a - APPROPRIATENESS OF THE WATCH COMMANDER'S PRE-BOOKING EVALUATION | 8 |
| OBJECTIVE No. 4 - OFFICER INITIATED/DIRECTED CONTACTS | 9 |
| OBJECTIVE No. 5 - INTERFERING/RESISTING ARRESTS RESULTING IN USES OF FORCE | 9 |
| <u>RECOMMENDATION</u> | 10 |
| <u>ACTION TAKEN /MANAGEMENT'S RESPONSE</u> | 10 |
| <u>ADDENDA ITEM A- RESPONSE – CENTRAL AREA</u> | |
| <u>ADDENDA ITEM B – RESPONSE- VAN NUYS AREA</u> | |
| <u>ADDENDA ITEM C – RESPONSE – OPERATIONS-SOUTH BUREAU</u> | |
| <u>ADDENDA ITEM D - RESPONSE – OPERATIONS-WEST BUREAU</u> | |

EXECUTIVE SUMMARY
INTERFERING/RESISTING ARREST AUDIT
Conducted by Internal Audits and Inspections Division
Fiscal Year 2012/2013

PURPOSE

In accordance with the Los Angeles Police Department (Department) Audit and Inspection Plan for Fiscal Year 2012/2013, Internal Audits and Inspections Division (IAID) conducted the Interfering/Resisting Arrest Audit to evaluate adherence with Department policies and procedures.

Internal Audits and Inspections Division conducted this audit under the guidance of generally accepted government auditing standards, specifically pertaining to performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. Internal Audits and Inspections Division has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on our audit objectives.

PRIOR AUDIT

This is the third audit/inspection conducted by IAID which focused on arrests made by divisional officers for which interfering/resisting arrest, or assaulting an officer were the primary charges. The last inspection was completed in January 2012 and was focused on Gang Enforcement Detail/Community Law Enforcement and Recovery (GED/CLEAR) units. There were no recommendations made, as there were no significant findings.

This Section Intentionally Left Blank.

SUMMARY OF FINDINGS

The table below delineates the audit objectives and results.

| Objective | Description | FY 2011/2012 | FY 2012/2013 |
|------------------|---|---------------------|------------------------------|
| 1 | Consistency, Accuracy, and Completeness between Adult/Juvenile Detention Logs and Watch Commander's Daily Reports | 93% (42/45) | 88%(88/100) ¹ |
| 2 | Consistency, Accuracy, and Completeness between Booking Approvals and Arrest Reports | 100% (45/45) | 87% (88/101) |
| 3 | Watch Commander's Documentation of the Interfering/Resisting Arrests in the Watch Commander's Daily Reports | 91% (41/45) | 90% (90/100) ² |
| 3a | Appropriateness of the Watch Commander's Pre-Booking Evaluation | 88% (36/41) | 81% (73/90) |
| 4 | Officer Initiated/Directed Contacts | N/A | Performance Information |
| 5 | Interfering/Resisting Arrests Resulting in Uses of Force | N/A | Performance Information |

Objective No. 4 – Officer Initiated/Directed Contacts

This objective was to determine the source of the officers' contact that led to the interfering/resisting suspect, and thus serves as performance information only. Thirty-seven (37%) of 101 arrests were officer-initiated contacts. The remaining 64 arrests were directed contacts. Of the 37 officer-initiated arrests, 25 (68%) resulted in uses of force.

Objective No. 5 – Interfering/Resisting Arrests Resulting in Uses of Force

This objective was to determine if a use of force occurred incidental to the interfering/resisting arrest, and thus serves as performance information only. Sixty-four (63%) of the 101 arrests, resulted in a use of force.

¹ One Jail Division arrest report was removed for this objective as Jail Division does not maintain a Detention Log for suspects already booked into their facility. The incident/arrest occurred while the arrestee was being removed from a holding cell.

² One arrest was part of an on-going investigation by Robbery Homicide Division detectives. Extenuating circumstances precluded this arrest from being assessed as the actual arrest for 245(c) P.C. was not affected for over 20 hours. Therefore, this arrest, (Bkg. No. 3142367), was removed from this objective.

RECOMMENDATION

None.

ACTION TAKEN/MANAGEMENT'S RESPONSE

1. The audit findings were validated with each of the Area Commanding Officers, who expressed general agreement.
2. Internal Audits and Inspections Division presented the audit report to the Assistant to the Director, Office of Operations, who was in general agreement with the findings.

INTERFERING/RESISTING ARREST AUDIT

**Conducted by
Internal Audits and Inspections Division
Fiscal Year 2012/2013**

PURPOSE

In accordance with the Los Angeles Police Department (Department) Audit and Inspection Plan for Fiscal Year 2012/2013, Internal Audits and Inspections Division (IAID) conducted the Interfering/Resisting Arrest Audit to evaluate adherence with Department policies and procedures.

Internal Audits and Inspections Division conducted this audit under the guidance of generally accepted government auditing standards, specifically pertaining to performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. Internal Audits and Inspections Division has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on our audit objectives.

PRIOR AUDIT

This is the third audit/inspection conducted by IAID which focused on arrests made by divisional officers for which interfering/resisting arrest, or assaulting an officer were the primary charges. The last inspection was completed in January 2012 and was focused on Gang Enforcement Detail/Community Law Enforcement and Recovery (GED/CLEAR) units. There were no recommendations made, as there were no significant findings.

BACKGROUND

Watch commanders are required to conduct a pre-booking evaluation when the *primary* booking charge is for interfering/resisting arrest, or assaulting an officer. The pre-booking evaluation is conducted to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. The watch commander is also required to log the interfering/resisting arrest in the Watch Commander's Daily Report (WCDR), Form 15.80.00.

METHODOLOGY

This audit evaluated arrests made, wherein, the primary charge was interfering/resisting arrest, or assaulting a police officer from January 1, 2012 through December 31, 2012.¹ The focus of the audit entailed Department-wide arrests including GED, Criminal Gang and Homicide Division (CGHD) and CLEAR details.² A Consolidated Crime Analysis Database report from Information Technology Division was obtained to identify all arrests involving charges for interfering/resisting that were attributed Department-wide and to GED, CLEAR and CGHD, resulting in a population of 1,213 arrests. Of those, warrant arrests for charges involving interfering/resisting were excluded from being reviewed, as well as, all arrests from outside

¹ Arrests for California Penal Code Sections 69, 148(a)(1), 148(b), 148(c), 148(d), 241(c), 243(b), 243(c), 244.5(c), 245(c) and 245(d).

² Criminal Gang and Homicide Division and CLEAR details utilize officers whose primary focus is gang activities.

agencies and specialized and/or temporary units within the Department³ thus yielding a population of 1,195 interfering/resisting type arrests. Of that population, the results were stratified by geographical division of occurrence and then randomized within each geographical division, resulting in a population of 101 arrests.

SUMMARY OF FINDINGS

| Objective | Description | FY 2011/2012 | FY 2012/2013 |
|------------------|---|-------------------------|------------------------------|
| 1 | Consistency, Accuracy, and Completeness between Adult/Juvenile Detention Logs and Watch Commander's Daily Reports | 93% (42/45) | 88% (88/100) ⁴ |
| 2 | Consistency, Accuracy, and Completeness between Booking Approvals and Arrest Reports | 100% (45/45) | 87% (88/101) |
| 3 | Watch Commander's Documentation of the Interfering/Resisting Arrests in the Watch Commander's Daily Reports | 91% (41/45) | 90% (90/100) ⁵ |
| 3a | Appropriateness of the Watch Commander's Pre-Booking Evaluation | 88% (36/41) | 81% (73/90) |
| 4 | Officer Initiated/Directed Contacts | N/A | Performance Information |
| 5 | Interfering/Resisting Arrests Resulting in Uses of Force | N/A | Performance Information |

³ Specialized and/or temporary units include; Detectives, special event officers, Gun Detail, Fugitive Warrant Section, Fraud Section, Mental Evaluation Unit, etc.

⁴ One Jail Division arrest report was removed from this objective as Jail Division does not maintain a Detention Log for suspects already booked into their facility. The incident/arrest occurred while the arrestee was being removed from a holding cell.

⁵ One arrest was part of an ongoing investigation by Robbery Homicide Division detectives. Extenuating circumstances precluded this arrest from being assessed, due to the fact that the suspect was not taken into physical custody until 20 hours after the crime for 245(c)PC actually occurred. Therefore, this arrest, (Bkg. No. 3142367), was removed from this objective.

DETAILED FINDINGS

Objective No. 1 – Consistency, Accuracy, and Completeness Between Adult/Juvenile Detention Logs and Watch Commander's Daily Reports

Criteria

Department Manual Section 4/216, Taking Person into Custody – states, *“All persons detained or arrested and transported to a Department facility shall be brought before a watch commander for an inspection and interview. At a minimum, the watch commander shall ask the suspect the following three questions:*

- *Do you understand why you were detained/arrested?*
- *Are you sick, ill, or injured?*
- *Do you have any questions or concerns?*

The watch commander shall take appropriate action based upon the results of the inspection and responses to these questions.

Exception: *In those rare cases when circumstances preclude an inspection and interview by a watch commander (e.g., medical/absentee bookings), the watch commander shall ensure that the suspect is inspected and interviewed by a Department supervisor who did not assist or participate in the person's arrest or detention. The assigned supervisor shall document the inspection and interview in his/her Sergeant's Daily Report, Form 15.48.00. Additionally, the watch commander shall document the reason for the exception, including the name and serial number of the supervisor assigned to conduct the inspection and interview, in his/her Watch Commander's Daily Report, Form 15.80.00.”*

Department Manual Section 4/216.01 and 4/216.02, Advice/Approval on Felony and Misdemeanor Bookings – Arrest Reports - states, *“Consistent with current procedure, the watch commander or a supervisor designated by the watch commander shall review all reports related to the arrest for appropriateness, legality, and conformance with Department policy and procedure taking into account the booking recommendation. Additionally, the watch commander or supervisor shall examine the reports for authenticity by ensuring that the reports do not contain any “canned” language, inconsistent information, or fail to articulate the legal basis for the action, or any indication that the information in the report is not authentic or correct. Subsequent to review, the watch commander or his/her designee shall indicate approval by signing (including serial number) the reports.”*

Audit Procedures

The arrestee's entry on the Juvenile/Adult Detention Log, Form 09.06.00/Form 06.19.00, was reviewed to determine if the entry was completed appropriately. The watch commander on the detention log (signature and serial number) who conducted the inspection was verified as the assigned or designated watch commander in the WCDR. Additionally, Arrest Reports,

Form 05.02.00, and all documents relating to interfering/resisting arrests are to be consistent, accurate, and complete.

Findings

Eighty-eight (88%) of the 100⁶ detention log entries met the standards for this objective. The remaining 12 findings are as follows:

- Two arrest reports (HOBK Bkg. No. 3074243 and NEWT Bkg. No. 3377576) indicated the arrestee was transported from the field directly to a facility other than the Area station (University of Southern California Medical Center and 77th Street Area Jail, respectively). The arrestees were not on the detention logs at either of the two facilities. The WCDR did not contain any documentation that provided reasons for the deviations, or information on the supervisor who was assigned to conduct the interview and inspection.
- One arrest report (FTHL Bkg. No. 3031556) indicated the arrestee was transported to the station; however, the arrestee was not documented in the detention log.
- Five detention logs did not indicate an answer to all three questions to be asked of the arrestee by the watch commander.⁷ Four of the five detention logs did not have answers to any of the three required questions (SOW Bkg. No. 3003506/ FTHL Bkg. No. 3234790/CENT Bkg. Nos. 3001434 and 3378519). The remaining one detention log (77th Street Area Bkg. No. 3408185) did not indicate an answer to Question No. 3 (“Do you have any questions or concerns?”).
- Two detention logs did not indicate any medical treatment rendered to the arrestees or actions taken based on their affirmative answers to Question No. 2 “Are you sick, ill, or injured” (SOW Bkg. No. 3037545 indicated “Left arm hurts from complained hold” [sic] and NEWT Bkg. No. 3196803 indicated “Heart problems”). There was no documentation that the arrestee was evaluated by any medical professionals.
- One arrestee’s (HWD Bkg. No. 3354836) detention log entry was signed by a supervisor that was not the watch commander or designated watch commander.
- One detention log was missing (VNY Bkg. No. 3243358).

⁶ One Jail Division arrest report was removed for this objective as Jail Division does not maintain a Detention Log for suspects already booked into their facility. The incident/arrest occurred while the arrestee was being removed from a holding cell.

⁷ This determination is made by boxes being checked to indicate an answer was given by the arrestee.

Objective No. 2 - Consistency, Accuracy, and Completeness Between Booking Approvals and Arrest Reports

Criteria

Department Manual Section 4/216.01 and 4/216.02, Advice/Approval on Felony and Misdemeanor Bookings - Booking Approval Procedure – states, *“Booking approval for any arrest shall only be obtained from an Area patrol watch commander or the Watch Commander, Metropolitan Jail Section, Jail Division. When providing booking approval, the watch commander shall review each arrest for appropriateness, legality, and conformance with Department policy and procedure. When booking is approved, the watch commander shall complete the Booking Approval, Form 12.31.00, and sign his/her name and serial number in the “APPROVING WATCH COMMANDER” section of the form.”*

Department Manual Section 4/216.01 and 4/216.02, Advice/Approval on Felony and Misdemeanor Bookings – Arrest Reports - states, *“Consistent with current procedure, the watch commander or a supervisor designated by the watch commander shall review all reports related to the arrest for appropriateness, legality, and conformance with Department policy and procedure taking into account the booking recommendation. Additionally, the watch commander or supervisor shall examine the reports for authenticity by ensuring that the reports do not contain any “canned” language, inconsistent information, or fail to articulate the legal basis for the action, or any indication that the information in the report is not authentic or correct. Subsequent to review, the watch commander or his/her designee shall indicate approval by signing (including serial number) the reports.”*

Department Manual Section 4/216.12, Recording of Booking Approval – states,

Felonies. *The name and serial number of the watch commander giving a felony booking approval shall be placed in the narrative portion of the arrest report. All arrest reports shall be approved and signed by a Department supervisor and checked for probable cause, propriety, essential information, clarity, and legibility.*

Misdemeanors. *The name and serial number of the watch commander giving a misdemeanor booking approval shall be placed in the lower left portion of the “Property” box on the Booking and Identification Record and in the narrative portion of the arrest report, when one is completed.”*

Audit Procedures

Internal Audits and Inspections personnel reviewed the arrest packages to determine if the watch commander who signed his/her name and serial number in the “Approving Watch Commander” section of the Booking Approval, Form 12.31.00, was verified to be the assigned or designated watch commander on the WCDR and was noted in the “Booking” section of the arrest report

narrative. Additionally, arrest reports and all documents relating to resisting/interfering arrests are to be consistent, accurate, and complete.

Findings

Eighty-eight (87%) of the 101 arrest reports and booking approval forms met the standards for this objective. The remaining 13 findings are as follows:

- Four arrest reports (HWD Bkg. No. 3079322/SOW Bkg. No. 3206072/CENT Bkg. No. 3327735/NOE Bkg. No. 3291360) did not identify the watch commander who authorized booking under the “Booking” section of the arrest report narrative.
- Two Booking Approvals (HWD Bkg. Nos. 3242962 and 3314114⁸) indicated that a watch commander authorized a strip search however; the results of the search were not documented.
- One arrest report (WIL Bkg. No. 3133210) contained the word “None” under the “Booking” section of the arrest report narrative.
- Two Booking Approvals (77th Street Area Bkg. No. 3157022/SOW, Bkg. No. 3341918) were signed by a supervisor that was not the watch commander or the designated watch commander.
- One Booking Approval (CENT Bkg. No. 3101580) indicated a watch commander authorized booking. However, it was not consistent with the watch commander identified in the arrest report narrative as giving authorization.
- One Booking Approval (CENT Bkg. No. 3142367) indicated that a strip search was conducted but the approval signature was missing. The “Booking” section in the arrest report narrative was also missing.
- One arrest report (Central Traffic Division/HOBK Bkg. No. 3074243) did not identify the watch commander who authorized booking in the “Booking” section of the arrest report narrative. The narrative reads as follows; “*Due to ongoing medical treatment by medical staff at USCMC, Deft was not booked until 3/4/12. I request filing for 21200.5 VC (DUI on a bicycle)*” [sic]. Additionally, the booking approval was signed by a Central Traffic Division supervisor who is not recognized by Department policy as a watch commander.⁹
- One arrest report (RAMP Bkg. No. 3191124) identified a Jail Division watch commander who gave approval for a strip search. However, it was not consistent with the name of the supervisor who authorized the strip search on the Booking Approval.

⁸ This arrest package included a Follow-Up Investigation, Form 03.14.00, dated 01/02/13 which added the results to the strip search that was conducted and erroneously left out of the arrest report, dated 09/26/12.

⁹ Department Manual Section 216.01, Booking Approval Procedure – states, “Booking approval for any arrest shall only be obtained from an Area patrol watch commander or the Watch Commander, Metropolitan Jail Section, Jail Division.”

Objective No. 3 – Watch Commander’s Documentation of the Interfering/Resisting Arrests in the Watch Commander’s Daily Reports

Criteria

Department Manual Section 4/216.23, Watch Commander’s Responsibility - states¹⁰, “*When a person is charged with the California Penal Code (PC) sections listed below, the watch commander shall conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. A pre-booking evaluation is not required for additional filing requests.*”

Additionally, the watch commander shall:

- *Document that an evaluation was completed on the WCDR, Form 15.80.00;*
- *Take appropriate action when the results of the evaluation raise issues or concerns regarding training, policy, or tactics; and,*
- *Reference all forms used for documenting the results of the pre-booking evaluation on the Watch Commander’s Daily Report.*

Recording of Booking Approval: The name and serial number of the watch commander giving booking approval shall be placed in the narrative portion of the arrest report.”

Audit Procedures

Internal Audits and Inspections Division personnel reviewed WCDR’s to determine if the watch commander documented the interfering/resisting arrest. The Department met the standard if the watch commander documented the interfering/resisting arrest in the WCDR and the WCDR was consistent, accurate, and complete.

Findings

Ninety (90%) of the 100 WCDRs met the standard for this objective.¹¹ The remaining ten WCDRs, involving eight geographic Areas and Jail Division, did not contain any documentation that the interfering/resisting arrests occurred.

¹⁰ Arrests for California Penal Code Sections 69, 148(a)(1), 148(b), 148(c), 148(d), 241(c), 243(b), 243(c), 244.5(c), 245(c) and 245(d).

¹¹ One arrest was part of an ongoing investigation by Robbery Homicide Division detectives. Extenuating circumstances precluded this arrest from being assessed, due to the fact that the suspect was not taken into physical custody until 20 hours after the crime for 245(c)PC actually occurred. Therefore this arrest, (Bkg. No. 3142367) was removed from this objective.

Objective No. 3a – Appropriateness of the Watch Commander's Pre-Booking Evaluation

Department Manual Section 4/216.13, Watch Commander's Responsibility - states¹, "*When a person is charged with the California Penal Code (PC) sections listed below, the watch commander shall conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. A pre-booking evaluation is not required for additional filing requests. Additionally, the watch commander shall:*

- *Document that an evaluation was completed on the WCDR, Form 15.80.00;*
- *Take appropriate action when the results of the evaluation raise issues or concerns regarding training, policy, or tactics; and,*
- *Reference all forms used for documenting the results of the pre-booking evaluation on the Watch Commander's Daily Report.*

Recording of Booking Approval: The name and serial number of the watch commander giving booking approval shall be placed in the narrative portion of the arrest report."

Audit Procedures

Internal Audits and Inspections Division personnel reviewed WCDR's to determine if the watch commander conducted an evaluation on the policy, tactics, or training issues involved with the arrest and documented it in the WCDR. The Department met the standard if the watch commander appropriately documented the interfering/resisting arrest in the WCDR and conducted an evaluation on the policy, tactics, or training issues surrounding the arrest.

Of the 100 arrests that required the watch commander to document the interfering/resisting-type arrest in his/her WCDR (Objective No. 3), 90 qualified to be assessed for this objective.

Findings

Seventy-three (81%) of the 90 arrests met the standard for this objective. The remaining 17 findings are as follows:

- One arrest (WIL Bkg. No. 3133210) - the watch commander only evaluated the use of force in the WCDR.
- Three arrests (SOW Bkg. Nos. 3341918 and 3037545 and CENT Bkg. No. 3347571) – a pre-booking evaluation was not documented in the WCDR.
- Two arrests (77th Street Area Bkg. Nos. 3408185 and 3301230) – the pre-booking evaluation did not address tactics in the WCDR.
- Nine arrests (SOE Bkg. No. 3122717/VNY Bkg. No. 3243358/FTHL (Bkg. Nos. 3393941 and 3160420/CENT Bkg. Nos. 3327735 and 3347571/HOBK Bkg. No.

¹ Arrests for California Penal Code Sections 69, 148(a)(1), 148(b), 148(c), 148(d), 241(c), 243(b), 243(c), 244.5(c), 245(c) and 245(d).

3074243/RAMP Bkg. No. 3191124/RAMP Bkg. No. 3219408) - did not address policy or tactics in the WCDR.

- One arrest (SOW Bkg. No. 3003506) - the pre-booking evaluation did not address policy or training in the WCDR.
- One arrest (NEWT Bkg. No. 3196803) - the pre-booking evaluation did not address tactics or training in the WCDR.

During the course of reviewing the evaluations within the WCDRs, it was noted that an exerted effort should be made on behalf of watch commanders to provide an explicit evaluation of charges pertaining to interfering/resisting arrest, or assaulting a police officer, and distinctly separate from any documentation related to a use of force.

Objective No. 4 – Officer Initiated/Directed Contacts

Criteria

This objective determined the source of the officers' contact that led to the interfering/resisting suspect, and thus serves as performance information only. The results included officer-initiated contacts or directed contacts (i.e., radio calls, citizen flag downs, task force).

Audit Procedures

The arrest report narratives were reviewed to determine the source of the officer's contact.

Findings

Thirty-seven (37%) of 101 arrests were officer-initiated contacts. The remaining 64 arrests were directed contacts. Of the 37 officer-initiated arrests, 25 (68%) resulted in uses of force.

Objective No. 5 – Interfering/Resisting Arrests Resulting in Uses of Force

Criteria

This objective determined whether a use of force occurred, incident to the interfering/resisting arrest, and thus serves as performance information only.

Audit Procedures

The arrest report narratives were reviewed to determine if a use of force occurred during the arrest.

Findings

Sixty-four (63%) of the 101 arrests resulted in a use of force.

RECOMMENDATION

None.

ACTION TAKEN/MANAGEMENT'S RESPONSE

1. The audit findings were validated with each of the Area Commanding Officers, who expressed general agreement.
2. Internal Audits and Inspections Division presented the audit report to the Assistant to the Director, Office of Operations, who was in general agreement with the findings.

INTRADEPARTMENTAL CORRESPONDENCE

ADDENDA ITEM A

July 10, 2013

4.1

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, Central Area

SUBJECT: RESPONSE TO INTERFERING/RESISTING ARREST AUDIT

On May 13, 2013, Central Area received notification from Operations-Central Bureau (OCB) regarding preliminary findings for the OCB Interfering/Resisting Arrest Audit which was completed by Internal Audits and Inspections Division. As a result of the audit, the Commanding Officer, Central Area, was directed to address all findings of errors or discrepancies related to the Central Area arrests which were identified in the audit.

Sergeant Richard Tamez, Serial No. 26009, was assigned to complete the requested audit. The results of Sergeant Tamez' audit, including details for each arrest and the corrective actions and strategies implemented to prevent further re-occurrences are noted below:

Objective No. 1

The audit indicated that two detention logs for Central Booking Nos 3001434 and 3378519 did not have answers to any of the three questions that are required to be asked when conducting the in-take. The investigation revealed that the intake for (Booking No. 3001434) showed the "Do you understand why you were detained/arrested" box was checked. The in-take Sergeant also noted that the arrestee "complained of pain LT wrist", which answers the "Are you sick, ill, or injured" box. The Sergeant did fail to check the "Do you have any questions or concerns" box. This issue has been addressed at several supervisors meetings as well as directly with all sergeants conducting intakes to avoid any re-occurrence.

The second anomaly regarding (Booking No. 3378519) shows the arrestee was absentee booked and transported directly to LAC-USCMC due to his medical concerns with approval of the on-duty Watch Commander, and booked into the Los Angeles County Jail Ward at LAC-USCMC. It was also noted in the arrest report that there was an attempt to interview the arrestee, but he was so intoxicated and had a very limited control of the English language that the interview was not completed.

Training was provided to the involved supervisors and watch commanders on the requirement to abide by Department Manual Section 4/216, Taking Persons into Custody which states, "All persons detained or arrested and transported to a Department facility shall be brought before a

watch commander for an inspection and interview. At a minimum, the watch commander shall ask the suspect the following three questions:

- Do you understand why you were detained/arrested?
- Are you sick, ill, or injured?
- Do you have any questions or concerns?

The watch commander shall take appropriate action based upon the results of the inspection and responses to these questions.

Exception: In those rare cases when circumstances preclude an inspection and interview by a watch commander (e.g., medical/absentee bookings) the watch commander shall ensure that the suspect is inspected and interviewed by a Department supervisor who did not assist or participate in the person's arrest or detention the assigned supervisor shall document the inspection and interview in his/her Sergeant's Daily Report, Form 15.48.00. Additionally, the watch commander shall document the reason for the exception, including the name and serial number of the supervisor assigned to conduct the inspection and interview, in his/her Watch Commander's Daily Report, Form 15.80.00."

Objective No.2

The audit indicated that one arrest report (Central Booking No. 3327735) did not identify the Watch Commander who authorized booking under the "Booking" section of the arrest report. The investigation revealed that a Sergeant assigned to Metropolitan Jail Division was the Sergeant who approved booking. A 3.14 was completed to correct the officer's arrest report. Officers were also reminded to make sure their arrest reports are complete before submitting them.

The audit indicated a second anomaly (Booking No. 3101580), which indicated that the Watch Commander authorizing/approving the booking approval was not consistent with Watch Commander signing the booking approval report. The investigation revealed that a field Sergeant was temporarily relieving the Watch Commander when the arrest was made. The regular Watch Commander then re assumed his duties and it was he who reviewed and signed the booking approval and all related reports. This is a normal situation that occurs when arrests are made at or near a shift change.

The audit revealed a third anomaly (Booking No. 3142367), which indicated the approval for a strip search was missing. The investigation revealed the peculiarities of this arrest. The subject of this arrest was detained by Central Patrol officers for an Assault with a Deadly Weapon on a Police Officer case which was being handled by Robbery Homicide Detectives (RHD). The RHD detectives ultimately opted to book the suspect for the open charge, and they completed the required Booking Approval (Form 12.31.00). The RHD detectives checked the appropriate boxes that identified the type of search authorized (strip and visual body search) and they documented on the form the articulable and reasonable suspicion that the arrestee was concealing

contraband or weapons when they noted on the Booking Approval, "Deft arrested for crime of violence against P.O. and is admitted transient living on the streets."

Central patrol officers were provided with the Booking Approval which had been filled out by the RHD detectives, and the Central patrol officers transported the suspect to the Metropolitan Detention Center (MDC) for booking. Upon arriving at MDC, they presented the Booking Approval to the on-duty MDC watch commander for booking approval. Despite the presence of the articulated, reasonable suspicion justifying the search being provided on the authorization to complete search portion of the booking approval, the MDC watch commander failed to sign the strip search authorization and the booking officers failed to notice that the MDC watch commander had not signed the strip search authorization. The booking officers then completed the strip search, noted the negative results of the strip search on the booking approval, and returned the booking approval back to the RHD detectives.

The RHD detectives completed the required arrest report, and submitted the report and booking approval to the on-duty Central Area Watch Commander for review and approval. The Watch Commander reviewed the report and provided approval for the report, but he failed to detect that the authorization to complete search portion of the booking approval had not been signed by a watch commander.

The involved officers were provided training on the requirement to complete strip searches of arrestees only after authorization for the strip search had been provided by the watch commander.

To prevent any future re-occurrences, Central Area supervisors will be provided training on Department Manual Section 4/216.01 and 4/216.02, Advice/Approval on Felony and Misdemeanor Bookings-Arrest Reports which states, "Consistent with current procedure, the watch commander or a supervisor designated by the watch commander shall review all reports related to the arrest for appropriateness, legality, and conformance with department policy and procedure taking into account the booking recommendation. Additionally, the watch commander or supervisor shall examine the reports for authenticity by ensuring that the reports do not contain any "canned" language, inconsistent information, or fail to articulate the legal basis for the action, or any indication that the information in the report is not authentic or correct. Subsequent to review, the watch commander or his/her designee shall indicate approval by signing (including serial number) the reports."

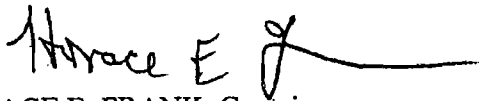
Objective No. 3

The audit indicated that two arrests, (Central Booking Nos. 3347571 and 3327735) did not address policy or tactics in the Watch Commanders Log. The investigation revealed that Booking No. 3347571 is not a Central Area arrest. This was an arrest initiated by officers assigned to Metropolitan Jail Division.

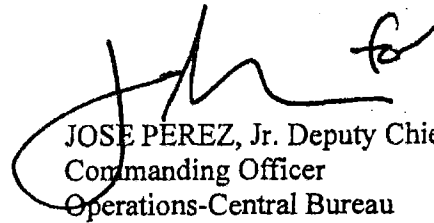
A review of all related reports regarding booking no. 3327735 show that the Watch Commander's Insight was never documented. This issue was addressed with the supervisors involved and was discussed at a supervisors meeting.

If you have any questions regarding this manner or require additional information, please contact Sergeant Tamez, Central Area, at (213) 972-1289.

APPROVED:



HORACE E. FRANK, Captain
Commanding Officer
Central Area



JOSE PEREZ, Jr. Deputy Chief
Commanding Officer
Operations-Central Bureau

INTRADEPARTMENTAL CORRESPONDENCE

June 28, 2013
4.6

TO: Commanding Officer Internal Audits and Inspection Division

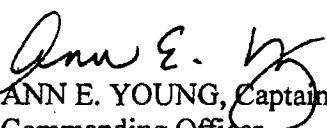
FROM: Commanding Officer, Central Traffic Division

SUBJECT: CENTRAL TRAFFIC DIVISION 148 AUDIT CONDUCTED BY
INTERNAL AUDITS AND INSPECTION DIVISION

Internal Audits and Inspection Division (IAID) recently conducted a 148 Audit on a Central Traffic Division (CTD) arrest which occurred in Hollenbeck Division, on March 12, 2012, involving Booking No. 3074243. The audit revealed that CTD was out of compliance in two separate areas involving Department Manual Sections 4/216.01 and 4/216.02, relevant to Watch Commander duties on Felony and Misdemeanor Bookings and providing Booking Advice/Approval.

CTD concurred with the findings of the Audit and will provide training to CTD supervisors in these areas to assure future compliance.

If you have any questions, please contact Sergeant Marianus von Korff, Training Coordinator, Central Traffic Division, at (213) 486-0740.


ANN E. YOUNG, Captain
Commanding Officer
Central Traffic Division

INTRADEPARTMENTAL CORRESPONDENCE

May 23, 2013

4.3

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, Newton Area

SUBJECT: LAID – OCB INTERFERING FINDINGS

In accordance with the Department Audit and Inspection Plan, Internal Audits and Inspections Division conducted an Interfering Audit to evaluate Los Angeles Police Department's policies and procedures as they relate to arrests and bookings related to Interfering (69 PC, 148PC, 243PC).

The inspection revealed the following:

Objective No. 1 – Consistency, Accuracy, and Completeness Between the Adult/Juvenile Detention Logs and Watch Commander's Daily Reports

Criteria

Department Manual Section 4/216, Taking Person into Custody – states, *"All persons detained or arrested and transported to a Department facility shall be brought before a watch commander for an inspection and interview. At a minimum, the watch commander shall ask the suspect the following three questions:*

- *Do you understand why you were detained/arrested?*
- *Are you sick, ill, or injured?*
- *Do you have any questions or concerns?*

The watch commander shall take appropriate action based upon the results of the inspection and responses to these questions.

Findings:

Two arrest reports (HOBK Bkg. No. 3074243 and NEWT Bkg. No. 3377576) indicated the arrestee was transported from the field directly to a facility other than the Area station (University of Southern California Medical Center and 77th Street Jail, respectively). The arrestees were not on the detention logs at either of the two facilities. The WCDR did not contain any documentation that provided reasons for the deviations, or information on the supervisor who was assigned to conduct the interview and inspection.

Training and Internal Audits Implemented for Findings

In response to the inspection, *Objective No.1 – Consistency, Accuracy, and Completeness between the Adult/Juvenile Detention Logs and Watch Commander's Daily Reports*, all Newton Supervisors, specifically those acting within a Watch Commander capacity will be trained with regards to Department Manual Section 4/216, Taking Persons into Custody, 4/216.01 and 4.216.02, Advice/Approval. This practice will improve the accuracy and completeness of the reports. Additionally, all Supervisors will be trained on the exception for those situations where circumstances preclude an inspection by The Watch Commander as noted below:

***Exception:** In those rare cases when circumstances preclude an inspection and interview by a watch commander (e.g., medical/absentee bookings), the watch commander shall ensure that the suspect is inspected and interviewed by a Department supervisor who did not assist or participate in the person's arrest or detention. The assigned supervisor shall document the inspection and interview in his/her Sergeant's Daily Report, Form 15.48.00. Additionally, the watch commander shall document the reason for the exception, including the name and serial number of the supervisor assigned to conduct the inspection and interview, in his/her Watch Commander's Daily Report, Form 15.80.00."*

Findings:

One detention log did not indicate any medical treatment rendered to the arrestees or actions taken based on their affirmative answers to Question No. 2 "Are you sick, ill, or injured" (NEWT Bkg. No. 3196803 indicated "Heart problems"). There was no documentation that the arrestee was evaluated by any medical professionals.

Training and Internal Audits Implemented for Findings

In response to the inspection, *Objective No.1 – Consistency, Accuracy, and Completeness between the Adult/Juvenile Detention Logs and Watch Commander's Daily Reports*, an arresting officer shall be present with the Watch Commander during the screening process related to Department Manual Section 4/216 Taking Person into Custody. This will insure that if an arrestee provides an affirmative response to being sick, ill, or injured, the officer will be aware of it, provide required medical treatment, and document such in an arrest report. It is also incumbent upon the Watch Commander to verify that such medical treatment has been provided consistent with how the arrestee answered the medical questions during the screening process.

Objective No. 2 - Consistency, Accuracy, and Completeness of Booking Approval and Arrest Report

Criteria

Department Manual Section 4/216.01 and 4/216.02, Advice/Approval on Felony and Misdemeanor Bookings - Booking Approval Procedure – states, "Booking approval for any arrest shall only be obtained from an Area patrol watch commander or the Watch Commander, Metropolitan Jail Section, Jail Division. When providing booking approval, the watch commander shall review each arrest for appropriateness, legality, and conformance with

Department policy and procedure. When booking is approved, the watch commander shall complete the Booking Approval, Form 12.31.00, and sign his/her name and serial number in the "APPROVING WATCH COMMANDER" section of the form.

Department Manual Section 4/216.01 and 4/216.02, Advice/Approval on Felony and Misdemeanor Bookings – Arrest Reports - states, *"Consistent with current procedure, the watch commander or a supervisor designated by the watch commander shall review all reports related to the arrest for appropriateness, legality, and conformance with Department policy and procedure taking into account the booking recommendation. Additionally, the watch commander or supervisor shall examine the reports for authenticity by ensuring that the reports do not contain any "canned" language, inconsistent information, or fail to articulate the legal basis for the action, or any indication that the information in the report is not authentic or correct. Subsequent to review, the watch commander or his/her designee shall indicate approval by signing (including serial number) the reports."*

Department Manual Section 4/216.12, Recording of Booking Approval – states, *"Felonies. The name and serial number of the watch commander giving a felony booking approval shall be placed in the narrative portion of the arrest report. All arrest reports shall be approved and signed by a Department supervisor and checked for probable cause, propriety, essential information, clarity, and legibility.*

Misdemeanors. The name and serial number of the watch commander giving a misdemeanor booking approval shall be placed in the lower left portion of the "Property" box on the Booking and Identification Record and in the narrative portion of the arrest report, when one is completed."

Findings:

NO ADVERSE FINDINGS RELATED TO NEWTON

Objective No. 3 – Watch Commander's Documentation of Resisting/Interfering Arrest in WCDR.

Criteria

Department Manual Section 4/216.13, Watch Commander's Responsibility - states¹, *"When a person is charged with the California Penal Code (PC) sections listed below, the watch commander shall conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. A pre-booking evaluation is not required for additional filing requests.*

¹ Arrests for California Penal Code Sections 69, 148(a)(1), 148(b), 148(c), 148(d), 241(c), 243(b), 243(c), 244.5(c), 245(c) and 245(d).

Additionally, the watch commander shall:

- *Document that an evaluation was completed on the WCDR, Form 15.80.00;*
- *Take appropriate action when the results of the evaluation raise issues or concerns regarding training, policy, or tactics; and,*
- *Reference all forms used for documenting the results of the pre-booking evaluation on the Watch Commander's Daily Report.*

Recording of Booking Approval: The name and serial number of the watch commander giving booking approval shall be placed in the narrative portion of the arrest report."

Findings

Objective No. 3a – Appropriateness of the Watch Commander's Pre-Booking Evaluation Criteria

Department Manual Section 4/216.13, Watch Commander's Responsibility - states², "*When a person is charged with the California Penal Code (PC) sections listed below, the watch commander shall conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. A pre-booking evaluation is not required for additional filing requests. Additionally, the watch commander shall:*

- *Document that an evaluation was completed on the WCDR, Form 15.80.00;*
- *Take appropriate action when the results of the evaluation raise issues or concerns regarding training, policy, or tactics; and,*
- *Reference all forms used for documenting the results of the pre-booking evaluation on the Watch Commander's Daily Report.*

Recording of Booking Approval: The name and serial number of the watch commander giving booking approval shall be placed in the narrative portion of the arrest report."

Findings:

- One arrest (NEWT Bkg. No. 3196803) - the pre-booking evaluation did not address tactics or training in the WCDR.

Training and Internal Audits Implemented

All Watch Commanders and Acting Watch Commanders will be trained in evaluating arrests and potential booking of arrestees charged with 148 (a), (b), or (c). As well as 69pc, 241 (b)pc, 243 b-c, 244.5pc, and 245 (c) -(d)pc. Policy, tactics, and training related to such arrests must be analyzed and articulate in the WCDR.

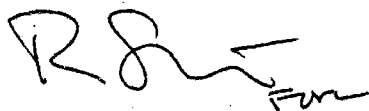
² Arrests for California Penal Code Sections 69, 148(a)(1), 148(b), 148(c), 148(d), 241(c), 243(b), 243(c), 244.5(c), 245(c) and 245(d).

Commanding Officer, Internal Audits and Inspection Division

Page 4

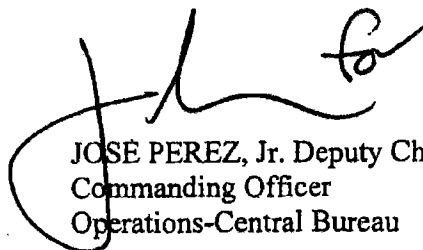
4.3

If you have any questions regarding this matter, please contact Officer Darius Trugman, Newton Area, at (323) 846-6524.



EDWARD J. PROKOP, Captain
Commanding Officer
Newton Area

APPROVED:



JOSE PEREZ, Jr. Deputy Chief
Commanding Officer
Operations-Central Bureau

Attachments

INTRADEPARTMENTAL CORRESPONDENCE

May 23, 2013

4.4

TO: Commanding Officer, Internal Audit & Inspections Division

FROM: Commanding Officer, Northeast Area

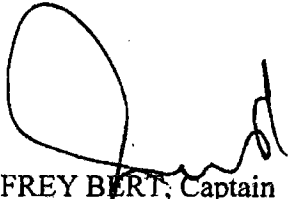
SUBJECT: NORTHEAST AREA RESPONSE TO THE CENTRAL BUREAU
INTERFERING, RESISTING ARREST AUDIT FINDINGS.

The finding relative to Northeast area was discovered under Objective No. 2- Consistency, Accuracy and Completeness of Booking Approval and Arrest Report. In this section, one arrest report did not identify the watch commander who authorized booking under the "booking" section of the arrest report narrative.

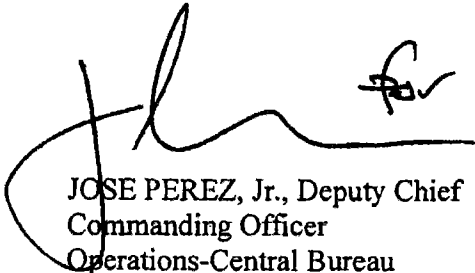
An analysis of this report error appears not to present a systemic problem in the Northeast Area arrest reports. Nevertheless, constant vigilance by watch commanders and staff report auditors will continue to be a goal for Northeast Area. All watch commanders and supervisors have been apprised of this audit and the findings.

If you have any questions please feel free to contact Lieutenant Mike Menza, Northeast Area Watch Commander, at (323) 344-5703.

APPROVED:



JEFFREY BERT, Captain
Commanding Officer
Northeast Area



JOSE PEREZ, Jr., Deputy Chief
Commanding Officer
Operations-Central Bureau

INTRADEPARTMENTAL CORRESPONDENCE

May 28, 2013
4.5

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, Rampart Area

SUBJECT: IAID - INTERFERING FINDINGS

The Operations-Central Bureau Interfering/Resisting Arrest Audit identified anomalies on two cases at Rampart Division:

Objective No. 2 - Consistency, Accuracy, and Completeness of Booking Approval and Arrest Report

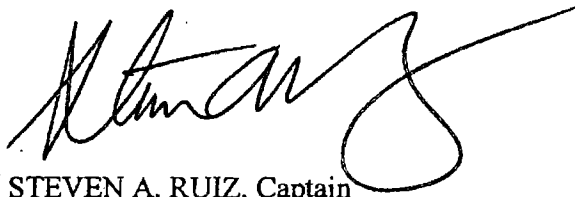
The inspection findings revealed that one arrest report (Booking No. 3191124) identified a Jail Division watch commander who gave the approval for the strip search. However, it was not consistent with the name of the supervisor who authorized for strip search on the Booking Approval.

Objective No. 3a - Appropriateness of the Watch Commander's Pre-Booking Evaluation Criteria

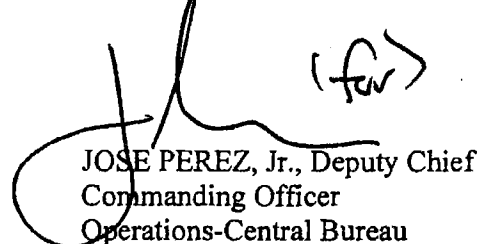
The inspection indicated that two Rampart incidents did not address policy or tactics in the Watch Commander Daily Report.

The above mentioned anomalies were discussed with the personnel involved. There were various factors leading to these instances, including the booking process taking place during the watch commanders' change of watch. I will discuss these issues with my supervisory staff during the next deployment meeting taking place on June 5.

If you have any questions, please contact Officer Gustavo Marroquin, Rampart Area Adjutant, at (213) 484-3010.


STEVEN A. RUIZ, Captain
Commanding Officer
Rampart Area

APPROVED:


JOSE PEREZ, Jr., Deputy Chief
Commanding Officer
Operations-Central Bureau

INTRADEPARTMENTAL CORRESPONDENCE

June 5, 2013
7.4

TO: Internal Audits and Inspections Division

FROM: Commanding Officer, Van Nuys Area

SUBJECT: RESPONSE TO FINDINGS IDENTIFIED IN THE ASSESSMENT OF
INTERFERING/RESISTING ARREST AUDIT

Van Nuys Area has reviewed the findings identified by the Internal Audits and Inspections Division (IAID) relative to their assessment of Van Nuys Area Interfering/Resisting Arrests. Two of the anomalies (Objectives No. 1 and 3a) involved a missing Adult Detention Log for July 26, 2012, and an arrest for California Penal Code Section 69 Obstructing or resisting peace officers by threats or violence. The review of the findings revealed the following issues.

Objective No. 1 – Consistency, Accuracy, and Completeness between the Adult/Juvenile Detention Logs and Watch Commander's Daily Reports (1 Anomaly)

Department Manual Section 4/216. Taking Persons into Custody-states, *"All persons detained or arrested and transported to a Department facility shall be brought before a watch commander for an inspection and interview. At a minimum, the watch commander shall ask the suspect the following three questions: 1) Do you understand why you were detained/arrested? 2) Are you sick, ill, or injured? 3) Do you have any questions or concerns?"*

The watch commander shall take appropriate action based upon the results of the inspection and responses to these questions."

The Van Nuys Area Adult Detention Log for July 26, 2012, was missing, therefore, the auditor was unable to determine compliance with the criteria for the objective. Van Nuys Area conducted a search of its records with negative results in locating the missing Adult Detention Log.

Objective No. 3a – Appropriateness of the Watch Commander's Pre-Booking Evaluation Criteria (1 anomaly)

Department Manual Section 4/216.23. Arrests for Interfering, Resisting Arrest, or Assault on an Officer-states, *"The watch commander shall ensure whenever an arrest is made for 69 PC, 148(a)(1) PC, 148(b) PC, 148(c) PC, 148(d) PC, 241(b) PC, 243(b) or (c) PC, 244.5(c) PC, 245(c) PC or 245(d) PC that a pre-booking evaluation was conducted, and that it was properly documented in the Watch Commander's Daily Report (WCDR), and that the evaluation addressed the presence or absence of issues/concerns regarding training, policy, or tactics."*

On July 26, 2012, Van Nuys Area personnel arrested a person charged with the California Penal Code Section 69. The Watch Commander's Daily Report did not indicate whether there was any concern regarding training, policy, or tactics. The Van Nuys Patrol Division Watch Commander conducted a pre-booking evaluation relative to the 69 PC arrest, however, he did not document it in the WCDR utilizing the appropriate verbiage to include, "*The presence or absence of issues/concerns regarding training, policy, or tactics.*" The Watch Commander's entry stated the following:

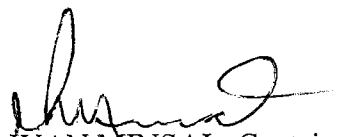
1920 Hours: 6542 Fulton Avenues. Van Nuys Gang Unit attempted to effect the arrest of a suspect, Booking No. 3243358, and they became involved in a reportable use of force. The suspect was arrested for 69 PC, resisting arrest. A review of the circumstances of the detention and arrest determined that there was probable cause to make the arrest. The tactics associated with this arrest were within Department policy.

RECOMMENDATIONS

The valid discrepancy was noted for Objective 1, as the audit revealed that Van Nuys Area was missing the Adult Detention Log for July 26, 2012. Van Nuys Area personnel conducted a search of its records with negative results in locating the missing Adult Detention Log.

As it relates to the discrepancy noted for Objective 3a, the Watch Commander did not comply with the provisions of the Department Manual as it related to Watch Commander's responsibility to conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. Accordingly, training will be provided to all Watch Commanders, Assistant Watch Commanders, and patrol supervisors relative to this issue at the next Supervisor's Meeting on June 20, 2013. No written documentation (Comment Card entries, etc.) will be completed relative to the discrepancies noted.

Should you have any concerns regarding this matter, please contact Sergeant Roger Watson, Van Nuys Patrol Division Adjutant, at (818) 374-1970.



IVAN MINSAL, Captain
Commanding Officer
Van Nuys Area

INTRADEPARTMENTAL CORRESPONDENCE

May 29, 2013

7.2

TO: Commanding Officer, Internal Audits and Inspection Division

FROM: Commanding Officer, Foothill Area

SUBJECT: RESPONSE TO FINDINGS IDENTIFIED IN THE ASSESSMENT OF
INTRFERING / RESISTING ARREST AUDIT

Pursuant to a Department wide Audit conducted by Internal Audit and Inspection Division, Foothill Area was requested to submit a response as it pertained to anomalies discovered during the audit. Captain Jorge Rodriguez, Commanding Officer, Foothill Patrol Division, conducted a review of the objectives identified and the cases in which discrepancies were noted.

Objective No.1 - Consistency, Accuracy, and Completeness Between the Adult/Juvenile Detention Logs and Watch Commander's Daily Reports – *the audit discovered two instances, in which the criteria was not met.*

In the first instance, the arrest report (Booking No.3031556) indicated that the arrestee was transported to Foothill Area, however, the arrestee was not documented in the detention logs.

The author of the arrest report, who was assigned to Valley Traffic Division, accidentally assumed that Foothill officers were transporting the arrestee to Foothill Station. The Foothill officers, who were assigned to unit 16A23, actually transported the arrestee directly to Van Nuys Jail. This fact can be derived from the Incident Printout, which showed the unit arriving at scene at 0819 hours and not departing the scene until 0953 hours, when they showed on a follow-up to Van Nuys Jail.

While 16A23 was at the location of occurrence, a Rescue Ambulance was summoned for the arrestee at 0824 hours due to her complaint of facial and leg pain. Additionally, at 0918 hours the Foothill officers requested Official Police Garage Tow for the vehicle and were quoted a 15-20 minute estimated time of arrival. Upon their arrival at Van Nuys Jail at 1021 hours, the officers proceeded to the Watch Commander's office, presented the arrestee for inspection and entered her information in the Van Nuys Area Detention Log (See attachment). The Van Nuys Watch Commander completed the inspection and provided a signed Booking Approval Form for the offense. The author of the arrest report then arrived at Foothill Station at 1045 hours and completed the required reports.

Based on the timeline offered by the Incident Printout, coupled with the fact that the arrestee was logged in the Van Nuys Detention Log, it is evident that the officers transported the arrestee directly to Van Nuys Jail, not Foothill Station.

Corrective Measures Taken:

None

The second instance (Bkg. No. 3234790) indicated a detention log did not have responses to any of the three required screening questions.

On July 18, 2012, at 2155 hours, the arrestee was logged in the Adult Detention Log for a charge of 148 PC at Foothill Station. The Watch Commander failed to document his findings from the screening. This was an oversight on his part and an isolated incident, as a total of sixteen suspects were logged in and screened that day without incident.

Corrective Measures Taken:

- The findings were discussed with the Watch Commander. A Comment Card was issued to the Watch Commander documenting the importance of properly screening all suspects and the need to document the findings and sign the form.
- Upon closure of the Detention Logs at midnight, the Watch Commander on Morning Watch will conduct audits of the logs to ensure that all entries are complete and accurate.
- Upon collecting the detention logs from the Watch Commander's office, the Detective Commanding Officer, or designee, reviews the logs for completeness and accuracy, prior to filing.

Objective No. 3a – Appropriateness of the Watch Commander's Pre-Booking Evaluation

Criteria – *The audit discovered that there were two instances in which the pre-booking evaluation, to determine whether issues or concerns regarding training, policy, or tactics need to be addressed, was not documented.*

The first incident was purely an oversight by the supervisor, who documented the incident in the Watch Commander's Daily Log, but failed to realize that the charge of Assault on a Peace Officer (2459(c) PC) required the pre-booking evaluation.

The second incident occurred due to lack of communication between the Watch Commanders. The incident occurred on Day Watch. The Watch Commander on Day Watch documented the incident, which resulted in the suspect's arrest for Misdemeanor warrants. Later in the evening at 1726 hours, the Watch Commander on Mid Watch provided booking approval for 148.1 (a) (1) PC, along with additional charges for Misdemeanor warrants. The Watch Commander on Day Watch had ended his shift and closed the Watch Commander's log. The Watch Commander on Mid Watch should have documented the incident in his log, however, due to the miscommunication the incident was not tracked and was continued on the next shift's Watch Commander's log. The Watch Commander on Night Watch then approved the arrest report for 148 (a) (1) PC, unaware of the entry made by the Watch Commander on Day Watch.

This was clearly a case of miscommunication between the Watch Commanders on an incident that occurred during Day Watch, transcended through Mid Watch, and culminated on Night Watch.

Correctives Measures Taken:

- The supervisor in the first incident is currently Injured On-Duty status and assigned to the Gang Enforcement Detail. Upon his return, he will be provided training on the requirement to conduct the pre-booking screening on the charges listed in the Watch Commander's Log. The training will be conducted by the Foothill Training Unit and documented in an Action Item.
- Currently all three watch commanders overlap their watches and are provided approximately one hour to debrief the previous activities and incidents throughout the Division. This practice will reduce instances of miscommunication between Watch Commanders.
- The Patrol Commanding Officer scrutinizes the Watch Commanders' logs for these types of entries and all incidents in which a use of force is documented. The Commanding Officer is apprised of the specific booking charge and provided a copy of the arrest report.

We are confident that with these corrective measures in place and a continued emphasis on the aforementioned issues at supervisor meetings, Foothill Area will achieve maximum compliance on future audits.

Should you or a member of your staff have any additional question or concerns, please feel free to contact me at (818) 756-8048.



SEAN W. MALINOWSKI, Captain
Commanding Officer
Foothill Area

APPROVED:

JORGE VILLEGAS, Assistant Chief
Commanding Officer
Operations Valley-Bureau

APPROVED:

EARL C. PAYSINGER, Assistant Chief
Director
Office of Operations

INTRADEPARTMENTAL CORRESPONDENCE

May 28, 2013

1.5

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, Operations-South Bureau

SUBJECT: RESPONSE TO FINDINGS OF THE INTERFERING/RESISTING ARREST
AUDIT

At the direction of Office of Internal Audits and Inspection Division, attached is Operations-South Bureau's Response to the Interfering/Resisting Arrest Audit.

If you have any questions, please contact, Lieutenant Anthony Oddo, Serial No. 26588, Operations-South Bureau, (213) 485-4251.



ROBERT F. GREEN, Deputy Chief
Commanding Officer
Operations-South Bureau

INTRADEPARTMENTAL CORRESPONDENCE

June 18, 2013

5.4

TO: Commanding Officer, Operations-South Bureau

FROM: Commanding Officer, Southwest Area

SUBJECT: EVALUATION OF DETENTION LOGS, WATCH COMMANDER'S DAILY REPORT RELATE TO ARRESTS FOR INTERFERING/RESISING ARREST

Operation South Bureau (OSB) conducted an audit of detention logs, booking approvals and watch commander daily reports related to arrests for interfering/resisting arrests. Several Southwest Area bookings were found to be out of compliance with Department protocols governing the documentation of arrest(s) related to interfering/resisting.

Southwest Area (SOW) has reviewed the OSB audit and has generated a response to those findings related to Southwest Area bookings.

- Question No. 1: Booking No. 3037545, states Consistency, Accuracy, and Completeness Between the Adult/Juvenile Detention Logs and the Watch Commander's Daily Report. One Detention Log did not indicate any medical treatment rendered to the arrestee or actions taken based on the affirmative answer to Question No. 2 "Are you sick, ill, or injured?"

The detention log is not the appropriate Department report to document rendered medical treatment. The correct report should have been the related arrest report. In reviewing the report related to this arrest it was learned that the arresting officers did not document any medical treatment in their arrest report (DR No. 1203-06081) narrative. The arrest report was approved by the same supervisor that checked in the arrestee. Comment cards documenting the omission were issued to both arresting officers and the approving supervisor.

- Question No. 2 Booking Nos. 3206072 and 3341918, states Consistency, Accuracy and Completeness of Booking Approval and Arrest Report. One arrest report (Booking No. 3206072) documented under DR No. 1203-15563 did not identify the watch commander who authorized the booking under the "Booking: section of the arrest report narrative. One Booking Approval (Booking No. 3341918) documented under DR No. 1203-23383 was signed by a supervisor that was not the watch commander or the designated watch commander.

Although, the arrest assigned Booking No. 3206072 occurred in Southwest Area it did not involve Southwest officers. The arrest report documented that the arrest involved South Traffic Division (STD) officers. The arrestee was transported directly to 77th Jail. The arrest report was approved by the STD Watch Commander.

The arrest assigned Booking No. 3341918 and documented under DR No. 1203-23383 recorded the watch commander approving booking was A Sergeant I, although the Watch Commander's Daily Report for the date of the arrest, October 21, 2012, recorded a different Sergeant I was the assigned watch commander.

The named watch commander approved the arrest report. It was undetermined as to why a supervisor other than the watch commander signed the booking approval. The sergeant that signed the booking approval was issued a comment card documenting the gaffe.

- Question No. 3 Watch Commander's Documentation of Resisting/Interfering Arrest in the Watch Commander's Daily report (WCDR). Two Bookings Nos. 3341918 and 3037545 did not include a pre-booking evaluation in the Watch Commanders Daily Report.

A review of the WCDR's related to both booking nos. confirmed that neither WCDR included the requisite watch commander's evaluation of the arrest for training, policy or tactics issues.

The assigned watch commander on the date documenting Booking No. 3003506 did not have any entry in his WCDR. The arrest report could not be located due to the fact that the arrest was conducted by FID Detectives. Without an arrest report the issue could not be reasonably reconciled.

The watch commander's WCDR on the date for Bookings No. 3341918s did document the arrest and use of force. The watch commander also documented she made a notification to the patrol commanding officer. The watch commander did not document the requisite entry related to training, policy and tactics. The sergeant was issued a comment card documenting the oversight.

The watch commander's WCDR on the date for Bookings No. 3037545 did document the arrest and use of force. The watch commander did not document the requisite entry related to training, policy and tactics. The sergeant was issued a comment card documenting the oversight.

Commanding Officer, Operations-South Bureau

Page 3

5.4

If you have any questions or concerns, please contact Lieutenant Hugh Fanfassian, Southwest Patrol, at (213) 485-2582.



PAUL A. SNELL, Captain

Commanding Officer

Homer F. Broome, Jr.

Southwest Area Community Police Station

INTRADEPARTMENTAL CORRESPONDENCE

May 15, 2013

5.3

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, Southeast Area

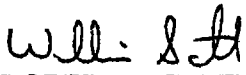
SUBJECT: RESPONSE TO FINDINGS OF THE INTERFERING/RESISTING ARREST
AUDIT - SOUTHEAST AREA, OSB PROJECT NO. 13-319C

I have reviewed the results of the Interfering/Resisting Arrest Audit, completed by Internal Audits and Inspections Division (IAID), as it pertains to Southeast Area. The audit reflects that Southeast Area had one adverse finding under Objective No. 3a - Appropriateness of the Watch Commander's Pre-Booking Evaluation Criteria. The finding indicated that the Watch Commander did not address policy or tactics in the Watch Commander's Daily Report when a 148 PC Arrest was documented (Booking no. 3122717). I reviewed the document in question and concur with this finding. All Southeast Area Watch Commanders and Assistant Watch Commanders have been informally trained regarding the proper documentation of 148 PC Arrests. In addition, this topic will be further discussed in the next Deployment Meeting and Supervisor's Meeting.

Should you have any questions regarding this matter, please contact Sergeant Terence Klafke, Southeast Patrol Adjutant, at (213) 972-7810.

APPROVED:

 FOR:
PHILLIP C. TINGIRIDES, Captain
Commanding Officer
Southeast Area


ROBERT F. GREEN, Deputy Chief
Commanding Officer
Operations-South Bureau

INTRADEPARTMENTAL CORRESPONDENCE

June 5, 2013
5.2

TO: Commanding Officer, Operations- South Bureau

FROM: Commanding Officer, 77th Street Area


SUBJECT: RESPONSE TO INTERFERING / RESISTING ARREST AUDIT.

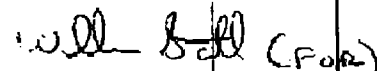
The Interfering / Resisting Arrest Audit was conducted by Internal Audits and Inspections Division (IAID). This audit identified four discrepancies regarding the supervisory oversight and documentation required for interfering / resisting arrests completed by 77th Street Area supervisory personnel. A response was submitted regarding the audit.

IAID requested a corrected version with the names of the employees removed and what corrective action was taken. We are in general agreement with the IAID audit and have made the requested corrections to the response. The audit will be discussed at the next Supervisor's Deployment meeting. A summary of the corrective actions taken are as follows:

The results of the audit were discussed with 77th Street Area Watch Commanders, Assistant Watch Commanders and supervisory personnel, with a strong emphasis on attention to detail. The 77th Street Area supervisors will continue to monitor issues identified in the audit. In addition, the Patrol Commanding Officer's Adjutant who reviews the finalized WCDRs will conduct a detailed review specifically for the required documentation of Resisting / Interfering Arrests and identify individuals who may need training in this area. The aforementioned discussion and training will ensure that 77th Street Area supervisors are aware of the Department's expectations of them regarding the supervisory oversight of Resisting / Interfering Arrests and required documentation.

APPROVED:


ROBERT N. ARCOS, Captain
Commanding Officer
77th Street Area

 (F.O.)
ROBERT F. GREEN, Deputy Chief
Commanding Officer
Operations-South Bureau

INTRADEPARTMENTAL CORRESPONDENCE

July 11, 2013

1.6

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, Operations-West Bureau

SUBJECT: RESPONSE TO INTERFERING/RESISTING ARREST AUDIT

On May 13, 2013, Operations-West Bureau (OWB) received the preliminary findings for Internal Audits and Inspections Division's Interfering/Resisting Arrest Audit. After looking into each issue, OWB's responses to each item are listed below.

Objective 1

Booking No. 3354836 – The audit stated that the detention log was signed by a supervisor that was not the watch commander or designated watch commander. Response: OWB agrees with this finding.

Objective 2

Booking No. 3079322 – The audit stated that the arrest report did not identify the Hollywood Area watch commander who authorized booking in the arrest narrative. Response: OWB agrees with this finding.

Booking No. 3242962 – The audit stated that a Hollywood Area watch commander authorized a strip search, however, the results were not documented. Response: The West Traffic Division officers who made the arrest did not conduct a strip search of the arrestee, hence there was no documentation for the results of the strip search. The officers should have noted that no strip search was conducted.

Booking No. 3314114 – The audit stated that a Hollywood Area watch commander authorized a strip search; however, the results were not documented. Response: A Follow Investigation Report (Form 3.14) was submitted on January 2, 2013, to include the required information on both the arrest narrative and booking recommendation.

Booking No. 3133210 – The audit stated that one Wilshire Area arrest report contained the word "None" under the "Booking" section of the arrest report narrative. Response: OWB Agrees with this finding. The Wilshire supervisor who approved the arrest report was directed to complete a Follow-up Investigation Report, Form 03.14.00, to correct this oversight and subsequent training will be provided to all Wilshire Area supervisors.

Commanding Officer, Internal Audits and Inspections Division

Page 2

1.6

Objective 3a

Booking No. 3133210 – The audit reported that a Wilshire Area arrest only had a watch commander evaluation for the use of force in this incident but did not include a pre-booking finding per Department Manual Section 4/216.13. Response: A review of the Watch Commander's Daily Report dated April 24, 2012, and noted that the mandatory entry for a primary charge of section 243(c)(2) of the California Penal Code was indicated in the report. The Watch Commander indicated a pre-booking evaluation was conducted but did not document if there were any issues concerning policy, tactics or training. Subsequent training will be provided to all Wilshire Area supervisors.

If you have any questions or require additional information, please contact Lieutenant Lynette Veazie, OWB, at (213) 473-0277.


TERRY S. HARA, Commanding Officer
Commanding Officer
Operations-West Bureau

Attachments