

## INTRADEPARTMENTAL CORRESPONDENCE

March 9, 2015  
14.2

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** SEARCH WARRANT APPLICATIONS AND SUPPORTING AFFIDAVITS  
AUDIT (IAID No. 14-017)

### RECOMMENDED ACTIONS

1. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Search Warrant Applications and Supporting Affidavits 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 (IAID) conducted the Search Warrant Applications and Supporting Affidavits Audit to evaluate warrants for legality and conformance with Department policies and procedures as they relate to the preparation, service, and oversight of search warrants.

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

Respectfully,

A handwritten signature in blue ink, appearing to be "C. Beck", written over a light blue circular stamp.

CHARLIE BECK  
Chief of Police

Attachment

# LOS ANGELES POLICE DEPARTMENT

## *SEARCH WARRANT APPLICATIONS AND SUPPORTING AFFIDAVITS AUDIT*

(IAID No. 14-017)



Conducted by  
Internal Audits and Inspections Division

CHARLIE BECK  
Chief of Police

*February 2015*

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**EXECUTIVE SUMMARY**  
**SEARCH WARRANT APPLICATIONS AND SUPPORTING AFFIDAVITS AUDIT**  
**Conducted by**  
**Internal Audits and Inspections Division**  
**Fourth Quarter, Fiscal Year 2013/14**

**PURPOSE**

In accordance with the Los Angeles Police Department (Department) Internal Audit and Inspection Plan for fiscal year 2013/2014, Internal Audits and Inspections Division (IAID) conducted a Search Warrant Applications and Supporting Affidavits Audit to evaluate warrants for legality and conformance with Department policies and procedures as they relate to the preparation, service, and oversight of search warrants.

**BACKGROUND**

This was a City-wide annual audit which included geographic and specialized divisions.

The following audit objectives were identified:

- 1) Completeness;
- 2) Authenticity;
- 3) Legality;
- 4) Conformance with Department procedures;
- 5) Supervisory oversight;
- 6) Warrant Tracking Log; and,
- 7) Commanding Officer's analysis.

The Department's performance improved in the following objectives when compared to the prior audit;

- Warrant Tracking Log (+24%);
- Completeness (+8%);
- Legality (+8%); and,
- Pre-Incident Supervisory Review (+11%).

**SUMMARY OF FINDINGS**

The audit did not identify any high-risk deficiencies that would affect the prosecution of related cases.

However, the audit did identify deficiencies in administrative procedures related to the Post-incident Supervisory Review of the Warrant Service/Tactical Plan Report, Form 12.25.00. A majority of the issues were attributed to not following Department policy and could easily be corrected with training by the respective Area Search Warrant coordinator.



## **RECOMMENDATIONS**

It is recommended that Department Manual Section 4/742.10, and the Search Warrant and Warrant Service/Tactical Plan Checklist, Form 12.25.01, be amended to require when a supervisor determines that a Tactical Plan Report is unnecessary and opts to complete an Employee's Report that the date and time of entry; method of entry; the condition of the location before officers entered and when they exited; pre/post photos; any injury or damage as a result of police action taken; and identification of personnel and supervisor in charge at scene, be included. This measure would more thoroughly document the warrant service and assist with investigations of potential claims for damages.

## **MANAGEMENT RESPONSE**

Internal Audits and Inspections Division presented the audit findings to the respective commanding officers, the Assistant to the Director, Office of Operations, and the Assistant Commanding Officer, Detective Bureau, all whom expressed general agreement with the findings.

Additionally, each respective division with findings indicated they would provide the necessary training to correct the identified deficiencies. The following table illustrates the percentage of all audited warrant packages by objectives.

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**Table 1 – Findings by Objective and Comparison to Prior Year's Audit**

**Table 1 – Findings by Objective and Comparison to Prior Year's Audit**

Objective No.	Description of Audit Objective	Prior Year 2012/13		Current Year 2013/14		Percent Change
		Packages Meeting Standards/ Packages Evaluated	Percentage Meeting Standards	Packages Meeting Standards/ Packages Evaluated	Percentage Meeting Standards	
<b>1. Completeness</b>		42/48	88%	51/53	96%	+8%
<b>2. Authenticity</b>						
2(a)	Canned Language	48/48	100%	53/53	100%	0%
2(b)	Inconsistent Information	45/48	94%	52/53	98%	+4%
2(c)	Authenticity of Other Indicia	41/48	85%	49/53	92%	+7%
<b>3. Legality</b>						
3(a)	Legality of Execution of the Search Warrant	48/48	100%	50/50	100%	0%
3(b)	Warrant Served/Returned Within the Required Time	44/48	92%	53/53	100%	+8%
<b>4. Conformance with Department Procedures</b>						
4(a)	Use of Confidential Informant	9/9	100%	5/5	100%	0%
<b>5. Supervisory Oversight</b>						
5(a)	Pre-Incident Review	41/48	85%	51/53	96%	+11%
5(b)	Applicable Incident	45/45	100%	44/44	100%	0%
5(c)	Post-Incident Review	41/45	91%	38/44	86%	-5%
<b>6. Warrant Tracking Log</b>						
6(a)	Accuracy and Completeness of the Warrant Tracking Log	44/48	92%	27/27	100%	+8%
6(b)	Warrant Tracking Log Approved Within the Required Time	28/37	76%	27/27	100%	+24%
<b>7. Commanding Officer's Analysis</b>						
7(a)	Evaluation of Each At-Scene Supervisor	44/46	96%	44/44	100%	+4%
7(b)	Completeness of the Employee Comment Sheet	46/46	100%	43/44	98%	-2%
7(c)	Employee Comment Sheet Completed Within the Required Time	42/44	95%	41/44	93%	-2%

# **SEARCH WARRANT APPLICATIONS AND SUPPORTING AFFIDAVITS AUDIT**

**Conducted by  
Internal Audits and Inspections Division  
Fourth Quarter, Fiscal Year 2013/14**

## **PURPOSE**

In accordance with the Los Angeles Police Department (Department) Audit and Inspection Plan for fiscal year 2013/14, Internal Audits and Inspections Division (IAID) conducted the Search Warrant Applications and Supporting Affidavits Audit to evaluate warrants for legality and conformance with Department policies and procedures as they relate to the preparation, service, and oversight of search warrants.

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 the audit objectives

## **BACKGROUND**

This was a City-wide annual audit which included geographic and specialized divisions.

The following audit objectives were identified:

- 1) Completeness;
- 2) Authenticity;
- 3) Legality;
- 4) Conformance with Department procedures;
- 5) Supervisory oversight;
- 6) Warrant Tracking Log; and,
- 7) Commanding Officer's analysis.

The Department's performance improved in the following objectives when compared to the prior audit.

- Warrant Tracking Log (+24%);
- Completeness (+8%);
- Legality (+8%); and,
- Pre-incident Supervisory review (+11%).

## **PRIOR AUDITS**

Internal Audits and Inspections Division has conducted the Search Warrant Applications and Supporting Affidavits audit annually for the past ten years. The last audit was completed in June 2013.

The prior audit reported that the Department met the standard in the majority of the audit objectives; however, the audit objectives needing improvement were, Completeness, Authenticity of Other Indicia, Pre-incident Review, and Warrant Tracking Log Approved within the Required Time.

### **AUDIT SCOPE AND METHODOLOGY**

The scope of this audit included all search/Ramey warrants (warrant packages) issued during January 2014, excluding third-party warrants (e.g., telephone or bank records). Based on a review of search warrant tracking logs collected Department-wide, IAID identified a population of 120 warrant packages. Internal Audits and Inspections Division selected a stratified random sample of 53 warrant packages from the population. The sample included both Gang Enforcement Detail (GED) and non-GED warrants.

Fifteen objectives were established to determine if the warrant packages met Department standards regarding policy and procedure.

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**Table No. 1 – Summary of Objectives/Sub-objectives**

Objective No.	Description of Audit Objective
<b>1</b>	<b>Completeness</b>
<b>2</b>	<b>Authenticity</b>
	2(a) Canned Language
	2(b) Inconsistent Information
	2(c) Authenticity of Other Indicia
<b>3</b>	<b>Legality</b>
	3(a) Legality of Execution of the Search Warrant
	3(b) Warrant Served/Returned within the Required Time
<b>4</b>	<b>Conformance with Department Procedures</b>
	4(a) Use of Confidential Informant
<b>5</b>	<b>Supervisory Oversight</b>
	5(a) Pre-Incident Review
	5(b) Applicable Incident
	5(c) Post-Incident Review
<b>6</b>	<b>Warrant Tracking Log</b>
	6(a) Accuracy and Completeness of the Warrant Tracking Log
	6(b) Warrant Tracking Log Approved within the Required Time
<b>7</b>	<b>Commanding Officer's Analysis</b>
	7(a) Evaluation of each At-Scene Supervisor
	7(b) Completeness of the Employee Comment Sheet
	7(c) Employee Comment Sheet Completed within the Required Time

#### Warrant Categories

The warrants reviewed were in the following categories:

- Search Warrants – Warrants seeking to obtain property or evidence;
- Ramey Warrants – Warrants that are submitted to the magistrate for issuance based on the probable cause for arrest; and,
- Combination Warrants – A combination of any of the above listed warrants.

**SUMMARY OF FINDINGS**

**Table No. 2 – Findings by Objective and Comparison to Prior Year's Audit**

Objective No.	Description of Audit Objective	Prior Year 2012/13		Current Year 2013/14		Percent Change
		Packages Meeting Standards/ Packages Evaluated	Percentage Meeting Standards	Packages Meeting Standards/ Packages Evaluated	Percentage Meeting Standards	
<b>1. Completeness</b>		42/48	88%	51/53	96%	+8%
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7(c)	Employee Comment Sheet Completed Within the Required Time	42/44	95%	41/44	93%	-2%

*This section intentionally left blank*

## **DETAILED FINDINGS**

### **Objective No. 1 – Completeness**

#### **Criteria**

A warrant package was considered complete if all documents essential to the evaluation of the warrant preparation and/or service could be obtained through the Department's electronic data and file record systems.

Errors and/or omissions found in the individual documents were not measured for adherence with this objective, but were reported under other objectives as appropriate.

#### **Audit Procedures**

The warrant packages were reviewed to determine whether the documents supporting the warrant application and affidavit, as well as the execution of the search warrant, were available. If the necessary documents were not in the packages, auditors made a good faith effort to determine the existence of the document(s), and then made reasonable efforts to obtain copies of the document(s). Required documents included:

- Search Warrant and Warrant Service/Tactical Plan Checklist, Form 12.25.01;
- Investigative Reports, Form 03.01.00;
- Investigator's Final Reports, Form 05.10.00;
- Arrest Reports, Form 05.01.02;
- Follow-up Reports, Form 03.14.00;
- Property Reports, Form 10.01.00;
- Receipt for Property Taken into Custody Reports, Form 10.10.00;
- Pre/Post Warrant Photographs;
- Warrant Tracking Logs, Form 08.17.05;
- Warrant Service/Tactical Plan Reports (Tactical Plan Report), Form 12.25.00; and,
- Employee Comment Sheet, Form 01.77.00.

Warrant packages that contained the required documents met the standards for this objective.

#### **Findings**

Of the 53 warrant packages reviewed, 51 (96%) met the standards for this objective.

The remaining two warrant packages are detailed below:

#### **Hollywood Area**

- Search Warrant No. 14V0012 – Missing Receipt for Property for items 41- 44 that correspond to the Property Report.

North Hollywood Area

- Search Warrant No. 14V0022 – Affiant did not sign the Return to Search Warrant.

**Objective No. 2 – Authenticity**

**Objective No. 2(a) – Canned Language**

**Criteria**

Department policy and procedure requires officers not to use “canned” language that is inconsistent with the information contained within the appropriate reports. The lack of “canned” language supports the authenticity of each package.

Department Search Warrant Procedures Guide, chapter II, Mechanics of Preparation, states, *“The approving supervisor shall review each request for a search or Ramey warrant and all reports prepared in support of the warrant application. Such review shall include:*

- *A review of completeness of the information contained within the documents and for authenticity to ensure the warrant does not fail to articulate a legal basis for the warrant, or contain any “canned” language or inconsistent information;*

*Note: “Canned” or “boilerplate” language generally refers to “cut and paste,” or “preprinted, fill in the blanks” language.”*

**Audit Procedures**

The warrant packages were reviewed to determine if the affidavit lacked originality that could be indicative of canned language. In addition to the application and affidavit, supporting documents were reviewed to determine if canned language was used in any other aspect of the warrant process. A warrant package met the standards for this objective if the documents did not indicate the use of canned language.

**Findings**

Each (100%) of the 53 warrant packages reviewed met the standards for this objective.

**Objective No. 2(b) – Inconsistent Information**

**Criteria**

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *“Warrant Review Officer – Established. All Areas/specialized divisions responsible for the service of search and arrest warrants shall designate a WRO in accordance with the guidelines established in this section. The Warrant Review Officer shall be the rank of*



*Sergeant I, Detective II, or higher and shall conduct a final quality assurance review for completeness and accuracy of all warrant documentation. This review shall include:*

- The required notation is included in the Tactical Plan Report indicating that the concerned CO's review was performed within seven business days after the warrant service;*
- The Warrant Tracking Log entry is complete and accurate;*
- The Property Report and the Receipt for Property Taken Into Custody forms match; and,*
- Any errors, inaccuracies, or omissions within the search warrant package are promptly corrected prior to proper storage."*

## **Audit Procedures**

Information in the affidavit was compared to the information in the supporting documents to determine whether significant inconsistent information existed. Significant inconsistencies were defined as conflicting or omitted information from either the affidavit or supporting documents that might call into question the authenticity of the warrant. A warrant package met the standards for this objective if there were no significant inconsistencies identified.

## **Findings**

Of the 53 warrant packages reviewed, 52 (98%) met the standards for this objective. The one remaining warrant package is detailed below.

### Olympic Area

- Search Warrant No. 67284 – Arrest Report, (page 4) documents two 1148 pill bottles; however, the Property Report, (page 27, items 34 & 35) documents 1148 and 1080 pill bottles.

## **Objective No. 2(c) – Authenticity of Other Indicia**

### **Criteria**

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, "*Warrant Review Officer – Established. All Areas/specialized divisions responsible for the service of search and arrest warrants shall designate a WRO in accordance with the guidelines established in this section. The Warrant Review Officer shall be the rank of Sergeant I, Detective II, or higher and shall conduct a final quality assurance review for completeness and accuracy of all warrant documentation. This review shall include:*

- The required notation is included in the Tactical Plan Report indicating that the concerned CO's review was performed within seven business days after the warrant service;*
- The Warrant Tracking Log entry is complete and accurate;*
- The Property Report and the Receipt for Property Taken Into Custody forms match; and,*
- Any errors, inaccuracies, or omissions within the search warrant package are promptly corrected prior to proper storage."*

## **Procedures**

The warrant packages were reviewed to determine if there were errors or omissions in the completion of the application, the return or related documents. Warrant packages were also reviewed to verify that the affiant and the supervisor at-scene for the service of the warrant were not the same person. Warrant packages that did not contain errors, omissions, or the affiant and the supervisor at-scene were not the same person, met the standards for this objective.

## **Findings**

Of the 53 warrant packages reviewed, 49 (92%) met the standards for this objective. The remaining four warrant packages are detailed below:

### North Hollywood Area

- Search Warrant No. 14V0022 – All Search Warrant Information boxes on the Property Report were not completed.
- Search Warrant No. 14V0023 – All Search Warrant Information boxes on the Property Report were not completed.

### Devonshire Area

- Search Warrant No. 14LAT0015 - The affiant's name on the warrant oath statement was incorrect.

### Southwest Area

- Search Warrant No. 67453 – All Search Warrant Information boxes on the Property Report were not completed.

## **Objective No. 3 – Legality**

### **Objective No. 3(a) – Legality of Execution of the Search Warrant**

#### **Criteria**

Legal basis for the warrant is defined as the articulation of probable cause pursuant to Penal Code section 1525. The Fourth Amendment of the United States Constitution protects people against unreasonable searches. As such, Department personnel are required to document the legal basis for conducting searches which include the following: search warrants, probable cause, incident to arrest, consent, or exigent circumstances.

### **Audit Procedures**

The warrant packages were reviewed to determine whether the affidavit articulated the probable cause for the warrant. An affidavit that articulated probable cause and was authorized by a court met the standards for this objective.

### **Findings**

Each (100%) of the 50 warrant packages reviewed met the standards for this objective.<sup>1</sup>

### **Objective No. 3(b) – Warrant Served/Returned within the Required Time**

#### **Criteria**

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *"All Department personnel involved in the service (including the planning and debriefing) of a search or Ramey warrant shall comply with the instructions set forth in the Search Warrant Service Procedures Guide, prepared by Investigative Analysis Section, Detective Bureau. Each commanding officer shall be responsible for maintaining the Search Warrant Service Procedures Guide and ensuring that such procedures are made available to Department personnel. Department personnel shall follow these guidelines when preparing, obtaining, serving, and returning a search warrant."*

#### **Audit Procedures**

The warrant packages were reviewed to determine if warrants were served and returned within the required time. A warrant package that was served and returned within the required time met the standards for this objective.

Additionally, the warrant packages were reviewed to determine if Department personnel served the warrant at the correct time of day. If warrant packages indicated the warrant was served at the time authorized by the court, the warrant package met the standards for this objective.

### **Findings**

Each (100%) of the 53 warrant packages reviewed met the standards for this objective.

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<sup>1</sup>Three of the 14 HOBBS Search Warrant packages could not be fully examined as key portions of the affidavits were sealed by Court Order. Therefore, three warrant packages were not evaluated for this objective

## **Objective No. 4 – Conformance with Department Procedures**

### **Objective No. 4(a) – Use of Confidential Informant**

#### **Criteria**

The Department Informant Manual restricts the use of informants to non-uniformed personnel assigned to investigative entities; and requires the documentation of the informant's corroboration; an active informant package prior to using the respective informant; and the documentation of follow-ups to meetings and contacts with the informant using the Informant Contact Form, Form 03.23.05.

Department Informant Manual, volume 2, section 200, states, *"The use of informants is restricted to non-uniformed personnel assigned to Department investigative entities, e.g., Area detectives and specialized detective divisions."*

#### **Audit Procedures**

Of the 53 warrant packages reviewed, five indicated that a Confidential Informant (CI) was used.<sup>2</sup> Therefore, a total of five CI packages were reviewed. Each package was reviewed for evidence that the CIs were handled according to Department policy and procedure. If the warrant articulated the reliability and corroboration of the CI; if the CI was used by personnel in a non-uniformed assignment; or if a CI package existed or documented the contact for the corresponding warrant, the warrant package met the standards for this objective.

#### **Findings**

Each (100%) of the five warrant packages reviewed met the standards for this objective

## **Objective No. 5 – Supervisory Oversight**

### **Objective No. 5(a) – Pre-incident Review**

#### **Criteria**

Department policy and procedure requires supervisory review of the warrant applications. The concerned supervisor is required to document his/her review of the warrant applications and affidavits by initialing and placing his/her serial number on the lower right-hand corner of the affidavit.

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *"Supervisor Review of Affidavit. The concerned supervisor shall place his/her initials and serial number on the lower right hand corner of each page of the original copy of the affidavit, indicating that he or she has thoroughly reviewed the document."*

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<sup>2</sup>Department Search Warrant Service Procedures Guide, Chapter 1, section F4, "Keeping Informant Confidential."



In addition, the Department requires warrant service plans to be reviewed by a supervisor and the commanding officer (C/O). A supervisor is required to sign page one of the Tactical Plan Report. The C/O or designee is also required to place his/her initials on page one of the Tactical Plan Report to indicate his/her approval of the plan prior to the execution of the warrant service.

### **Audit Procedures**

Each warrant application and affidavit was reviewed to determine:

- If the concerned supervisor reviewed the Warrant Affidavit and placed his/her initials and serial number on the lower right hand corner of each page of the original Warrant;
- If the concerned supervisor reviewed and approved the Tactical Plan Report(s) prior to the warrant service and signed as *Approving Supervisor* at the bottom of page one (and that it was not the same person as the Affiant); and,
- If the C/O or designee reviewed and approved the Tactical Plan Report by placing his/her initials on the bottom right hand corner of page one.

Those packages that contained the required signatures, initials, and serial numbers met the standards for this objective.

### **Findings**

Of the 53 packages reviewed, 51 (96%) met the standards for this objective. The remaining two packages are detailed below:

#### Van Nuys Area

- Search Warrant No. 14V0028 – The signature on the Tactical Plan Report appears to be a different supervisor than the approving supervisor.

#### Harbor Area

- Search Warrant No. F68299 – The C/O did not initial the face sheet (page one) of the Tactical Plan Report.

### **Objective No. 5(b) – Applicable Incident**

#### **Criteria**

A supervisor of the rank of Sergeant or Detective II or above is required to be present at the service of the warrant. Department policy and procedure requires that a supervisor of the rank of lieutenant or above be present at the execution of all search and Ramey warrants initiated by uniformed gang enforcement-related specialized details or any warrants where uniformed GEDs act as affiants. Uniformed GEDs included GED and Community Law Enforcement and Recovery.

Department Search Warrant Procedures Guide, Chapter IV, Warrant Service Planning, states, *"A Supervisor at Location. A supervisor (Sergeant I, Detective II, or higher) shall be present at each warrant service location."*

Department Manual Section 4/742.30, Supervision at Search Warrant Locations, states, *"A lieutenant or above shall be present at the execution of all search warrants where GED/CLEAR personnel are involved in the service of the warrant."*

*"Note: The presence of a lieutenant or above is required for search or Ramey warrants initiated by any uniformed gang enforcement-related specialized detail or any warrants where uniformed gang enforcement officers act as affiants."*

### **Audit Procedures**

The Tactical Plan Reports were reviewed and those reports that contained indications that appropriate levels of supervision were present at the warrant service location, met the standards for this objective. Of the 53 warrant packages reviewed, 44 required a Tactical Plan Report. The remaining nine warrant packages were secured locations and only required the completion of an Employee's Report, Form 15.07.00, to document the warrant service.<sup>3</sup> Therefore, 44 warrant packages were reviewed for appropriate level of supervision at the service of the warrant.

### **Findings**

Each (100%) of the 44 warrant packages reviewed met the standards for this objective.

### **Objective No. 5(c) – Post-Incident Review**

#### **Criteria**

Department policy and procedure requires the warrant service conditions and debrief summary be documented on the Tactical Plan Report.

Department Search Warrant Procedures Guide, Chapter IV, Warrant Service Planning, states, *"However, at the discretion of the commanding officer, the debriefing report for the overall investigation may be consolidated on the Warrant Service/Tactical Plan Report to be completed by the designated supervisor."*

The debriefing of the service shall be conducted by a supervisor within one day of service.

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *"Following the warrant service, the on-scene supervisor shall review the overall service, as well as the Tactical Plan Report, and provide the following:*

- *A summary of pre/post search conditions (page six);*

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<sup>3</sup>In the nine instances, auditors verified that each warrant package contained an Employee's Report documenting the search warrant service as required.

- *Documented confirmation that a debriefing with involved personnel was conducted no later than the next working day after the warrant service (page seven); and,*
- *A summary of the debriefing no later than the next working day after the warrant service."*

The C/O or designee is required to sign page seven of the Tactical Plan Report to indicate that he/she had reviewed the Tactical Plan Report.

Department Manual Section 5/12.25.00, Warrant Service/Tactical Plan Report, Form 12.25.00, states, "*Commanding Officer. Following service of the warrant, the commanding officer shall review the Tactical Plan Report for completeness and sign page seven.*"

### **Audit Procedures**

The warrant packages were reviewed to determine the following:

- After the warrant service, the designated supervisor completed the Pre/Post Search Conditions section on page six of the Tactical Plan Report;
- Following the service of the warrant, the on scene supervisor at the search warrant service conducted a debriefing no later than the next working day;
- The name of the supervisor conducting the debriefing is documented on page seven of the Tactical Plan Report, in the box labeled "*Debriefing Conducted By*";
- The concerned debriefing supervisor completed the section on page seven labeled *Debriefing Comments*. The *Debriefing Comments* shall include, at a minimum, information regarding the presence/absence of photographs, audio, and/or video; supervisory oversight before, during and after the service; the date, time and location of the debriefing; issues discussed; and any training needs that were identified; and,
- Following the warrant service, the C/O reviewed the Tactical Plan Report for completeness and signed page seven.

Warrant packages that documented the above criteria met the standards for this objective. Of the 53 total packages, 44 required the Tactical Plan Reports. The remaining nine warrant packages were secured locations and only required an Employee's Report.

### **Findings**

Of the 44 warrant packages reviewed, 38 (86%) met the standards for this objective. The remaining six warrant packages are detailed below:

#### Olympic Area

- Search Warrant No. 67284 – The debriefing comments of the Tactical Plan Report (page seven) were not completed.

#### 77th Street Area

- Search Warrant No. 67348 – The debriefing comments of the Tactical Plan Report (page seven) did not contain all the required information.

North Hollywood Area

- Search Warrant No. 14V0023 – The debriefing date on the Tactical Plan Report (page seven), is incorrect. It was dated December 12, 2013; however, the search warrant was served on January 1, 2014.

Mission Area

- Search Warrant No. 14SR002 – A complete analysis of the execution of the search warrant, including tactics, supervisory presence and issues discussed during the debrief was not documented in the Tactical Plan Report.

West Valley Area

- Search Warrant No. 14V0018 – The debriefing comments of the Tactical Plan Report (page seven), were completed on January 27, 2014; however, the warrant was served on January 1, 2014.

Southwest Area

Search Warrant No. 67391 – The C/O signed the Tactical Plan Report (page seven), later than required. The warrant was served on January 22, 2014, and signed by the C/O on February 4, 2014.

**Objective No. 6 – Warrant Tracking Log**

**Objective No. 6(a) – Accuracy and Completeness of the Warrant Tracking Log**

**Criteria**

Department policy and procedure requires that each Area and specialized division maintain a log listing each search warrant, indicating where a copy of such warrant is maintained; the affiant who applied for the warrant; location of the search warrant or suspect to be arrested, the approving supervisor for the warrant and the C/O who approved the Warrant Tracking Log.

Department Manual Section 4/742.10, Search Warrant And Probable Cause Arrest Warrant Procedures, states, "*Officer's Responsibility. Upon obtaining a search or Ramey warrant issued by a magistrate, the officer obtaining the warrant shall complete all the required information on the Warrant Tracking Log.*"

*"Commanding Officer's Responsibilities. The commanding officer of each Area/specialized division (or designated Area detective's CO at the rank of lieutenant or above) shall ensure that his or her command is in compliance with Department policy and procedure as it relates to search and Ramey warrant service and:"*



- *"Ensure that the warrant number and return date are entered on the Warrant Tracking Log no later than ten business days from the date of service, with the exception of third-party records warrants;*
- *Ensure that the warrant number is recorded on both the Warrant Tracking Log and the first page of the Tactical Plan Report;*
- *Sign and date the bottom of the final printout of the Warrant Tracking Log, at the completion of each month;"*

### **Audit Procedures**

The warrant packages were reviewed to determine if the corresponding Warrant Tracking Logs were completed and maintained as required. Each divisional Warrant Tracking Log was counted as one and individual pages were reviewed. Warrant Tracking Logs that identified the affiant; the location of the search warrant or suspect to be arrested; the approving supervisor; and the C/O met the standards for this objective.

### **Findings**

Each (100%) of the 27 Warrant Tracking Logs reviewed met the standards for this objective.

### **Objective No. 6(b) –Warrant Tracking Log Approved within the Required Time**

#### **Criteria**

Department policy and procedure requires a C/O or designee (at the rank of lieutenant or above) to approve the Warrant Tracking Log, by the end of the month.

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *"Commanding Officer's Responsibilities. The commanding officer of each Area/specialized division (or designated Area detective's CO at the rank of lieutenant or above) shall ensure that his or her command is in compliance with Department policy and procedure as it relates to search and Ramey warrant service and:"*

- *"Sign and date the bottom of the final printout of the Warrant Tracking Log, at the completion of each month; and,"*

### **Audit Procedures**

Warrant Tracking Logs were obtained from 27 Areas and divisions. These were reviewed to determine if they were appropriately approved by the C/O or designee within the required time. Warrant Tracking Logs that contained the required approval signature or that were approved ten calendar days after the end of the month, met the standards for this objective.

### **Findings**

Each (100%) of the 27 Warrant Tracking Logs reviewed met the standards for this objective.

**Objective No. 7 – Commanding Officer’s Analysis**

**Objective No. 7(a) – Evaluation of each At-Scene Supervisor**

**Criteria**

Department policy and procedures states that C/Os shall complete a detailed analysis of the supervisor’s performance at the warrant service with the use of an Employee Comment Sheet.

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *“Commanding Officer’s Responsibilities. The commanding officer of each Area/specialized division (or designated Area detective’s CO at the rank of lieutenant or above) shall ensure that his or her command is in compliance with Department policy and procedure as it relates to search and Ramey warrant service and:”*

- *“Complete an analysis of the performance of the supervisor providing supervisory oversight (designated supervisor) at the scene of each warrant service and document the results on an Employee Comment Sheet.”*

**Audit Procedures**

The warrant packages were reviewed to determine the completion of an Employee Comment Sheet for the supervisor at-scene by the C/O. The package met the standards if the C/O conducted and documented his/her evaluation of the supervisor’s conduct on an Employee Comment Sheet.

**Findings**

Forty-four of the 53 warrant packages were evaluated for this objective. Nine packages were not applicable as the warrants did not require a Tactical Plan Report and therefore Employee Comment Sheets were not prepared.

Each (100%) of the 44 warrant packages reviewed met the standards for this objective.

**Objective No. 7(b) – Completeness of the Employee Comment Sheet**

**Criteria**

Department policy and procedure states that C/Os shall complete a detailed analysis of the supervisor’s performance at the warrant service. The documentation shall address the issues listed in Manual Section below.

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *“Commanding Officer’s Responsibilities. The commanding officer of each Area/specialized division (or designated Area detective’s CO at the rank of lieutenant or above)*

*shall ensure that his or her command is in compliance with Department policy and procedure as it relates to search and Ramey warrant service and:*"

- *"Complete an analysis of the performance of the supervisor providing supervisory oversight (designated supervisor) at the scene of each warrant service and document the results on an Employee Comment Sheet. The Employee Comment Sheet must be completed within seven business days of the warrants execution and include the following information:*
  - *Identity of the designated supervisor assigned (e.g., name, rank, and serial number);*
  - *Warrant location;*
  - *Date and time of service;*
  - *Whether the supervisor's actions during the service of the warrant were appropriate;*
  - *Evaluation of the performance of the designated supervisor(s) at each warrant location; and,*
  - *Any other information deemed by the commanding officer to be pertinent to the designated supervisor's performance.'*

### **Audit Procedures**

The warrant packages were reviewed to determine the completion of an Employee Comment Sheet for the at-scene supervisor by the C/O. The package met the standards if the C/O provided adequate analysis of the supervisor's at-scene performance by addressing, at a minimum, the six specific areas listed in the Manual Section.

### **Findings**

Forty-four of the 53 warrant packages were evaluated for this objective. Nine packages were not applicable because an Employee Comment Sheet was not required.

Forty three (98%) of the 44 applicable warrant packages reviewed met the standards for this objective

The remaining package is detailed below.

#### 77th Street Area

- Search Warrant No. 67448 – The Employee Comment Sheet did not contain all the required information.

### **Objective No. 7(c) – Employee Comment Sheet Completed within the Required Time**

#### **Criteria**

Department policy and procedure states that C/Os shall complete a timely analysis of the supervisor's performance at the warrant service. Department Manual Section 4/742.10 requires the C/O to issue the Employee Comment Sheet within seven business days.

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *"Commanding Officer's Responsibilities. The commanding officer of each Area/specialized division (or designated Area detective's CO at the rank of lieutenant or above) shall ensure that his or her command is in compliance with Department policy and procedure as it relates to search and Ramey warrant service and."*

*"Complete an analysis of the performance of the supervisor providing supervisory oversight (designated supervisor) at the scene of each warrant service and document the results on an Employee Comment Sheet. The Employee Comment Sheets shall be completed within seven business days of the warrants execution and include the following information:"*

### **Audit Procedures**

The warrant packages were reviewed to determine the timely completion of an Employee Comment Sheet for the supervisor at-scene by the C/O. The package met the standards if the C/O completed the Employee Comment Sheet within the required time. Employee Comment Sheets that had a review date within seven business days of the warrant service date met the standards for this objective.

### **Findings**

Forty-four warrant packages were applicable to this objective because they contained Employee Comment Sheet with a date of completion. Forty one (93%) of the 44 warrant packages met the standards for this objective. The remaining three are detailed below.

#### North Hollywood Area

- Search Warrant No. 14V0035 – The Employee Comment Sheet was completed on February 27, 2014, approximately 21 days after the search warrant was served, which was on January 1, 2014.
- Search Warrant No. 14V0030 – There was no date on the Employee Comment Sheet indicating when the employee was served.

#### West Valley Area

- Search Warrant No. 14V0018 – The Employee Comment Sheet was completed on February 4, 2014; however, the Search Warrant was served on January 22, 2014.

### **OTHER RELATED MATTERS**

The audit revealed that when search warrants are served on secured private locations there is currently no requirement that officers complete a Tactical Plan Report. A secured private location refers to a location (residential or business) that does not pose a tactical or officer safety risk.



According to Department Manual Section 4/742.10, under Supervisor Review of Affidavit, an exception provides the supervisor the option of completing an Employee's Report as opposed to a Tactical Plan Report, if the supervisor believes a Tactical Plan Report is unnecessary.

Department Manual Section 4/742.10, only requires articulation of facts surrounding the security of the search warrant location. Missing is information about date and time of entry; method of entry; the condition of the location before officers entered and when they exited; pre/post photos; any injury or damage as a result of police action taken; and identification of personnel and supervisor in charge at scene.

### **RECOMMENDATION**

It is recommended that Department Manual Section 4/742.10, and the Search Warrant and Warrant Service/Tactical Plan Checklist, Form 12.25.01, be amended to require when a supervisor determines that a Tactical Plan Report is unnecessary and opts to complete an Employee's Report that the date and time of entry; method of entry; the condition of the location before officers entered and when they exited; pre/post photos; any injury or damage as a result of police action taken; and identification of personnel and supervisor in charge at scene, be included. This measure would more thoroughly document the warrant service and assist with investigations of potential claims for damages.

### **ACTIONS TAKEN/MANAGEMENT'S RESPONSE**

Internal Audits and Inspections Division presented the audit findings to the respective commanding officers, the Assistant to the Director, Office of Operations, and the Assistant Commanding Officer, Detective Bureau, all whom expressed general agreement with the findings.