

## INTRADEPARTMENTAL CORRESPONDENCE

February 6, 2015  
14.2

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

**FROM:** Chief of Police

**SUBJECT:** ARREST, BOOKING, AND CHARGING REPORTS AUDIT  
(IAID No. 14-027)

### RECOMMENDED ACTIONS

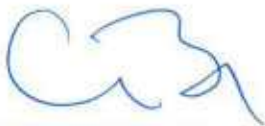
1. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Arrest, Booking, and Charging Reports Audit.
2. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

### DISCUSSION

Internal Audits and Inspections Division conducted the Arrest, Booking, and Charging Reports Audit to evaluate compliance of the Department's policies and procedures.

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

Respectfully,



CHARLIE BECK  
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT

*ARREST, BOOKING, AND CHARGING  
REPORTS AUDIT*

*(IAID No. 14-027)*



Conducted by  
INTERNAL AUDITS AND INSPECTIONS DIVISION

CHARLIE BECK  
Chief of Police

*January 2015*

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**EXECUTIVE SUMMARY**  
**Arrest, Booking, and Charging Reports 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 (FY) 2013/14, Internal Audits and Inspections Division conducted the Arrest, Booking, and Charging Reports Audit to evaluate compliance with Department policies and procedures. The audit included a review of the processes pertaining to the legalities of the arrests while adhering to Department policies and procedures.

**BACKGROUND**

The prior audit was conducted during the first quarter, FY 2011/12. Internal Audits and Inspections Division reviewed the processes and procedures for arrests. Compliance with the Department's policies and procedures were tested. In the prior audit, the Department met the standard in nine of 15 objectives. Four of the remaining six objectives had adherence of 90 percent or greater. The remaining two objectives had adherence of 80 percent or greater.

**SUMMARY OF FINDINGS**

The audit was comprised of four objectives/sub-objectives; a total of 17 tests were conducted. Overwhelmingly, the Department did well in the majority of the 17 tests, with some noted areas for improvement in the following three sub-objectives; Objective No. 3(g) which focused on a checklist developed by the Office of Operations that requires watch commanders to complete the checklist for each arrest package; 27 did not meet the standard, wherein 23 checklists were not present in the arrest package, and four were not signed by the watch commander or designee.

Objective No. 3(h) which evaluated a recent (2013) Administrative Order that in essence changed one of the headings within the arrest report narrative, less than half of the 108 arrest packages contained the newly required heading; however, most (94%) of the arrest packages did contain at least the previously required heading within the arrest report narrative.

Lastly, Objective No. 4(c) which evaluated the supervisor's review of the arrest packages, such as the inclusion of all required accompanying documentation. Although there was improvement in comparison to the previous audit, supervisors need to improve in ensuring that all required accompanying documents are present before approving the arrest package.

**RECOMMENDATIONS**

None.

**ACTIONS TAKEN/MANAGEMENT'S RESPONSE**

Internal Audits and Inspections Division presented the audit report to the Director, Office of Operations.

# **ARREST, BOOKING, AND CHARGING REPORTS 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 (FY) 2013/14, Internal Audits and Inspections Division (IAID) conducted the Arrest, Booking, and Charging Reports Audit to evaluate compliance with Department policies and procedures. The audit included a review of the processes pertaining to the legalities of the arrests while adhering to 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 the 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.

## **BACKGROUND**

The prior audit was conducted during the first quarter, FY 2011/12. Internal Audits and Inspections Division reviewed the processes and procedures for arrests. Compliance with the Department's policies and procedures were tested. In the prior audit, the Department met the standard in nine of 15 objectives. Four of the remaining six objectives had adherence of 90 percent or greater. The remaining two objectives had adherence of 80 percent or greater.

## **STATUS ON RECOMMENDATIONS**

There were no recommendations made in the prior audit.

## **METHODOLOGY**

A data run of arrests was obtained from Information Technology Division (ITD) for Deployment Period Nos. 13, 2013 through 2, 2014 (December 1, 2013, through February 22, 2014), resulting in a population of 29,549 arrests. The following arrests were then deselected, as they did not meet the testing criteria for this audit:

- All Los Angeles Municipal Code violations;
- Juvenile arrests;<sup>1</sup>
- Outside agencies; and,
- Any booking without an arrest report narrative.

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<sup>1</sup>An audit focused on juvenile arrests was conducted during the fourth quarter, FY 2013/14.

Internal Audits and Inspections Division randomly selected a statistically valid sample of 108 arrest report packages (arrest packages) from the resulting population.<sup>2</sup> The sample was selected to determine if the arrest packages met the standard for the audit objectives.<sup>3</sup> The sample was proportionally stratified based on the division of occurrence. Arrest reports, Form 05.01.02, Watch Commander Daily Reports, Form 15.80.00, and Detention Logs, Form 06.19.00, were reviewed for all arrest packages.

Associated arrestees' packages selected in the primary sample that were part of a multi-arrest report were evaluated for any risk management issues associated with the arrests. Findings associated with the related arrestees will be reported under Objective No. 4(c) - Post-Incident Supervisory Review.

### **SUMMARY OF FINDINGS**

The audit was comprised of four objectives/sub-objectives; a total of 17 tests were conducted. Overwhelmingly, the Department did well in the majority of the 17 tests, with some noted areas for improvement in the following three sub-objectives; Objective No. 3(g) which focused on a checklist developed by the Office of Operations that requires watch commanders to complete the checklist for each arrest package; 27 did not meet the standard, wherein 23 checklists were not present in the arrest package, and four were not signed by the watch commander or designee.

Objective No. 3(h) which evaluated a recent (2013) Administrative Order that in essence changed one of the headings within the arrest report narrative, less than half of the 108 arrest packages contained the newly required heading; however, most (94%) of the arrest packages did contain at least the previously required heading within the arrest report narrative.

Lastly, Objective No. 4(c) which evaluated the supervisor's review of the arrest packages, such as the inclusion of all required accompanying documentation. Although there was improvement in comparison to the previous audit, supervisors need to improve in ensuring that all required accompanying documents are present before approving the arrest package.

Table No. 1 on the following page delineates the audit findings for the previous and current audit.

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<sup>2</sup>The sample size was obtained by using the one-tail test with a 95 percent confidence level with an error rate of four percent.

<sup>3</sup>The population of arrest reports was obtained from ITD's Consolidated Criminal Analysis Database. A data reliability assessment was not conducted.



**Table No. 1 – Summary of Findings**

OBJECTIVE	DESCRIPTION	RESULTS			
		FY 2011/12		FY 2013/14	
1. Authenticity					
	Consistency of Information	61/61	100%	100/108	93%
2. Legality of Underlying Actions					
2(a)	Articulation of Reasonable Suspicion for Detention	61/61	100%	108/108	100%
2(b)	Articulation of Probable Cause to Arrest	61/61	100%	108/108	100%
2(c)	Articulation of Legal Basis for Search	61/61	100%	108/108	100%
2(d)	Articulation of Legal Basis for Seizure	61/61	100%	75/75	100%
2(e)	Miranda Rights	61/61	100%	76/77	99%
3. Conformance with Department Procedures					
3(a)	Watch Commander Inspection and Interview	61/61	100%	103/108	95%
3(b)	Documentation of Miranda Responses	34/37	92%	75/76	99%
3(c)	Documentation of Medical Treatment	6/6	100%	34/34	100%
3(d)	Recovery, Disposition, and Handling of Property/Evidence	27/27	100%	75/75	100%
3(e)	Issuance of Receipt for Property Taken Into Custody	24/25	96%	65/68	96%
3(f)	Marsy’s Rights Card Provided	21/24	88%	42/45	93%
3(g)	Completion of Arrest Report Approval Checklist	N/A	N/A	81/108	75%
3(h)	Photos, Recordings, Videos, Digital In Car Video (DICV), and Digital Imaging	N/A	N/A	45/108	42%
4. Supervisory Oversight					
4(a)	Approval of Arrest Report	60/61	98%	102/108	94%
4(b)	Booking Approval	59/61	97%	106/108	98%
4(c)	Post-Incident Supervisory Review	50/61	82%	94/108	87%

## **DETAILED FINDINGS**

### **Objective No. 1 – Consistency of Information**

#### **Criteria**

Department Manual section 4/216.01, Advice/Approval on Felony Bookings, states, "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."

## Audit Procedures

Each arrest package was examined for significant inconsistent information contained in the Arrest Report and associated documents. Significant inconsistent information was defined as inconsistencies that would impact the investigation. Documents reviewed were the Arrest Report, arrest narrative, Property Report, Form 10.01.00, Receipt for Property Taken into Custody, Form 10.10.00, Booking Approval, Form 12.31.00, City Attorney Disclosure Statement, Form 05.02.09, and Probable Cause Determination. Arrest packages that did not contain significant inconsistent information in any of the reports and associated documents met the standard for this objective.

## Findings

One hundred (93%) of the 108 arrest packages met the standard for this objective. Table No. 2 delineates the eight arrest packages that did not meet the standard.<sup>4</sup>

**Table No. 2 – Consistency of Information**

Bureau/Area/Division	Finding Description
Central Area (Booking Nos. 3861903 and 3818874) Hollenbeck Area (Booking No. 3826034) Newton Area (Booking No. 3822042) Topanga Area (Booking No. 3860485) North Hollywood Area (Booking No. 3796199)	Inconsistencies were present between the arrest report narrative, property report, and receipt for property.
North Hollywood Area (Booking No. 3847125) Topanga Area (Booking No. 3860485) Pacific Area (Booking No. 3793635)	The arrest report was consistent with the combined evidence report/property report, but was not able to be reconciled with the receipt for property as it was unable to be located.
North Hollywood Area (Booking No. 3847125)	Strip search was approved for possession of a meth pipe, however, there was no mention of a meth pipe in the arrest report narrative, property report, or receipt for property (which was not located).

## Objective No. 2 – Legality of Underlying Actions

Legality of underlying actions documented in the arrest packages were evaluated under Objective No. 2(a-e).

<sup>4</sup>There were ten issues identified involving eight arrest packages. Booking Nos. 3847125 (North Hollywood) and 3860485 (Topanga) each had two issues.



### **Objective No. 2(a) – Articulation of Reasonable Suspicion for Detention**

#### **Criteria**

Department Manual section 1/508, Police Action Based on Legal Justification, states, *“What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation, and different facts may justify either an investigation, a detention, a search, an arrest, or no action at all. The requirement that legal justification be present imposes a limitation on an officer's action. In every case, officers must act reasonably within the limits of their authority as defined by statute and judicial interpretation, thereby ensuring that the rights of both the individual and the public are protected.”*

“Reasonable Suspicion for Detention” was measured by the standards described in the California Peace Officers Legal Sourcebook as “a set of specific and articulable facts that lead an officer to reasonably believe that a crime is occurring, is about to occur, or has occurred, and that the person detained is connected to that activity which is criminal in nature.”

#### **Audit Procedures**

Each arrest package was examined to determine whether reasonable suspicion for detention was articulated. Arrest packages that articulated reasonable suspicion for detention met the standard for this objective.

#### **Findings**

Each (100%) of the 108 arrest packages met the standard for this objective.

### **Objective No. 2(b) – Articulation of Probable Cause to Arrest**

#### **Criteria**

Department Manual section 1/508, Police Action Based on Legal Justification, states, *“What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation, and different facts may justify either an investigation, a detention, a search, an arrest, or no action at all. The requirement that legal justification be present imposes a limitation on an officer's action. In every case, officers must act reasonably within the limits of their authority as defined by statute and judicial interpretation, thereby ensuring that the rights of both the individual and the public are protected.”*

“Probable cause to arrest” was measured by the standards described in the California Peace Officers Legal Sourcebook as, “a set of facts that would lead an officer of similar training and experience to form an honest and strong belief that the individual has committed a crime, based on the totality of the circumstances.”

### **Audit Procedures**

Each arrest report was examined to determine whether probable cause to arrest was articulated. Arrest reports that articulated probable cause to arrest met the standard for this objective.

### **Findings**

Each (100%) of the 108 arrest packages met the standard for this objective.

### **Objective No. 2(c) – Articulation of Legal Basis for Search**

#### **Criteria**

Department Manual section 4/217, Searches of Suspects and Arrestees, states, *“When the rules of search and seizure permit, an arrestee shall be thoroughly searched as soon as practicable. Such searches shall be conducted by an employee of the arrestee's sex. However, an immediate search may be conducted in the field by an officer of either sex when necessitated by specific circumstances, such as a reasonable belief that:*

- *The arrestee is armed with a weapon.*
- *A delay could result in the destruction or loss of evidence.*
- *Personal property shall not be taken from arrestees in the field.”*

The Fourth Amendment of the United States Constitution protects people against unreasonable seizures. As such, Department personnel are required to document the legal basis for conducting searches and seizures, which includes the following: search warrants, probable cause, incident to arrest, consent, or exigent circumstances.

The legality of searches must be based on the articulated existence of one of the following: search/arrest warrant, consent, incident to arrest, probable cause, or exigent circumstances.

#### **Audit Procedures**

Each arrest package was examined to evaluate the legality of the search, including booking searches involving strip and visual body cavity searches.

All 108 arrests involved investigative searches were assessed in this objective. Arrest packages that articulated the search authority met the standard for this objective.

### **Findings**

Each (100%) of the 108 arrest packages met the standard for this objective.

## **Objective No. 2(d) – Articulation of Legal Basis for Seizure**

### **Criteria**

Department Manual section 1/240.05, Respect for Constitutional Rights, states, *“No person has a constitutional right to violate the law; neither may any person be deprived of his/her constitutional rights merely because he/she is suspected of having committed a crime. The task of determining the constitutionality of a statute lies with an appellate court of proper jurisdiction, not with an officer who seeks to properly enforce the law as it exists. Therefore, an officer may enforce any federal, state, or local statute which is valid on its face without fear of abrogating the constitutional rights of the person violating that statute. An officer who lawfully acts within the scope of his/her authority does not deprive persons of their civil liberties. The officer may within the scope of his/her authority make reasonable inquiries, conduct investigations, and arrest on probable cause. However, when an officer exceeds his/her authority by unreasonable conduct, the officer violates the sanctity of the law which he/she is sworn to uphold.”*

The Fourth Amendment of the United States Constitution protects people against unreasonable searches and seizures. As such, Department personnel are required to document the legal basis for conducting seizures which include the following: search warrants, probable cause, incident to arrest, consent, or exigent circumstances.

### **Audit Procedures**

The legality of seizure of evidence/property must be based on the articulated existence of one of the following search criteria: search/arrest warrant, consent, incident to arrest, probable cause, or exigent circumstances. Arrest packages were examined to evaluate the legality of the seizure of evidence/property.

Of the 108 searches that were examined in Objective No. 2(c), 75 involved seizures of property/evidence. Arrest packages that articulated the legal justification for the seizure met the standard for this objective.

### **Findings**

Each (100%) of the 75 arrest packages met the standard for this objective.

## **Objective No. 2(e) – Miranda Rights**

### **Criteria**

Department Manual section 4/202.10, Interrogation of Suspects – Admonition of Miranda Rights, states, *“When a major crime is involved, an officer shall not read the Miranda admonition to a suspect or question a suspect prior to consulting with the investigating officer (I/O) conducting the criminal investigation. Such cases include, but are not limited to, the following:*



- Homicides;
- Crimes against persons resulting in injuries that require hospitalization of the victim;
- Crimes, excluding narcotics, that are the responsibility of a specialized detective division (e.g., bank robbery, arson, child abuse, etc.);
- Major narcotics cases that require specialized expertise (e.g., methamphetamine labs, etc.);
- Felony wants/warrants, including fugitives; and,
- Any crimes that require extensive follow-up investigations.

*For all other crimes, the arresting officer(s) or other assigned employee(s) should attempt to obtain a statement from an in-custody suspect after providing the Miranda admonition, unless otherwise directed by his/her watch commander or commanding officer.*

*Interrogating Officers – Responsibilities. When officers are conducting a custodial interrogation, the following procedures shall be followed:*

- *Officers shall read the Miranda admonition verbatim as delineated in the Officer's Notebook, Form 15.03.00."*

### **Audit Procedures**

Arrest packages were examined as to whether a detainee was interrogated regarding his/her participation in criminal activity. Arrest packages were also examined for evidence of Miranda Rights violations.

Arrest packages that contained no evidence of Miranda Rights violations met the standard for this objective. Of the 108 arrest packages, 77 arrestees were interrogated. The associated 77 arrest packages were assessed for this objective.

### **Findings**

Seventy-six (99%) of the 77 arrest packages met the standard for this objective. Table No. 3 delineates the arrest package that did not meet the standard.

**Table No. 3 – Miranda Rights**

Bureau/Area/Division	Finding Description
Pacific Area (Booking No. 3793635)	There was no documentation the arrestee was admonished by officers; arrestee was asked incriminating questions.

### **Objective No. 3 – Conformance with Department Procedures**

Conformance with Department procedures as documented in the arrest reports was evaluated under Objective No. 3(a-h).

### **Objective No. 3(a) – Watch Commander Inspection and Interview**

#### **Criteria**

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:*

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

#### **Audit Procedures**

Detention Logs were examined to assess the documentation of interviews and inspections by watch commanders. Additionally, if the responses to Question No. 2 or 3 on the Detention Log were positive, IAID verified the watch commander’s documentation of the arrestee’s response. Documentation of the watch commander’s interview and inspection of the Detention Log in accordance with the Department policy met the standard for this objective.

The Detention Logs were reconciled with the Watch Commander’s Daily Reports to determine the assignment of the watch commander.

#### **Findings**

One hundred three (95%) of the 108 Detention Logs met the standard for this objective. Table No. 4 delineates the five arrest packages that did not meet the standard.

**Table No. 4 – Watch Commander Inspection and Interview**

<b>Bureau/Area/Division</b>	<b>Finding Description</b>
Hollenbeck Area (Booking No.3834144)	There was no signature or serial number of the watch commander on the Detention Log.
77 <sup>th</sup> Street Area (Booking No. 3842920) Van Nuys Area (Booking No. 3804894)	The supervisor signing Detention Log was not the assigned or designated watch commander.
Southwest Area (Booking No. 385335) Mission Area (Booking No. 3827294)	The watch commander did not complete the Detention Log (checkboxes were left blank).

### **Objective No. 3(b) – Documentation of Miranda Responses**

#### **Criteria**

Department Manual section 4/202.10, Interrogation of Suspects – Admonition of Miranda Rights, states, “*Interrogating Officers – Responsibilities. When officers are conducting a custodial interrogation, the following procedures shall be followed:*

- *Officers shall read the Miranda admonition verbatim as delineated in the Officer’s Notebook, Form 15.03.00;*

*Note: Courtroom testimony shall also reflect that the Miranda admonition was read verbatim to the suspect.*

- *Officers shall document the suspect’s responses to the Miranda admonition in the appropriate report.”*

#### **Audit Procedures**

Each arrest report was examined to determine whether the arrestees’ responses to each of the Miranda admonition questions were documented, as required.

Arrest reports that appropriately documented the responses to each of the Miranda admonition questions met the standard for this objective.

Of the 108 arrestees, 76 were admonished, and those arrest reports were assessed in this objective.

#### **Findings**

Seventy-five (99%) of the 76 arrest reports met the standard for this objective. Table No. 5 delineates the arrest package that did not meet the standard.

**Table No. 5 – Documentation of Miranda Responses**

<b>Bureau/Area/Division</b>	<b>Finding Description</b>
Harbor Area (Booking No. 3796154)	There was no documentation of arrestee’s responses.

### **Objective No. 3(c) – Documentation of Medical Treatment**

#### **Criteria**

Department Manual section 4/648.10, Medical Treatment of Unbooked Arrestees, states, “*An officer having custody of an unbooked arrestee who is, or complains of being, ill, injured or in need of medication shall:*



- *Cause the arrestee to be examined at a Department Jail Dispensary, a Los Angeles County Medical Center, or a Department contract hospital...*
- *"Due to confidentiality issues when someone is given medical treatment for a specific medical illness (for example: AIDS, high blood pressure, tuberculosis), not related to the arrest/crime, the illness shall not be documented in the report unless it is an element of the crime (i.e. 647f p.c., 120291 H&S, etc.);"*

### **Audit Procedures**

Each arrest package and Detention Log was examined to determine whether the arrestee complained of being ill, injured, or in need of medical treatment. If a medical examination and/or medical treatment was required, the arrest package was reviewed to determine whether the arrest report documented the medical examination/treatment was provided, unless it was refused.

Of the 108 arrest packages and accompanying Detention Logs examined, 34 arrestees required medical treatment, and the respective arrest packages were assessed in this objective. Arrest packages that indicated medical examination and/or medical treatment was provided when required, unless it was refused, met the standard for this objective.

### **Findings**

Each (100%) of the 34 arrest packages met the standard for this objective.

### **Objective No. 3(d) – Recovery, Disposition, and Handling of Property/Evidence**

#### **Criteria**

Department Manual section 4/510.10, Booking Evidence and Non-Evidence, states, *"All property which is to be booked must be inventoried and listed on the Property Report, Form 10.01.00."*

Department Manual section 4/645.20, Property Taken from an Arrestee, states, *"Property taken from an arrestee which has, or may have, evidential value must be booked as Evidence."*

#### **Audit Procedures**

Each arrest package was examined to determine whether evidence, excess personal property, and/or non-evidence was processed in accordance with Department procedures.

Of the 108 arrest packages examined, 75 indicated that property/evidence was processed. Arrest packages indicating that evidence, excess personal property, and/or non-evidence was processed in accordance with Department procedures, met the standard for this objective.

## Findings

Each (100%) of the 75 arrest packages met the standard for this objective.

### **Objective No. 3(e) – Issuance of Receipt for Property Taken into Custody**

#### **Criteria**

Department Manual section 4/510.10, Booking Evidence and Non-Evidence, states, “*The employee seizing or taking custody of property must issue a Receipt for Property Taken into Custody, Form 10.10.00 (duplicate copy), to the person relieved of the property (Manual Sections 4/645.20 and Section 10.10.00, accessible within the "Form Use" link, on LAPD E-Forms on the Department's Local Area Network).*”

Department Manual section 4/645.20, Property Taken from an Arrestee, states, “*A Receipt for Property Taken into Custody, Form 10.10.00, must be issued to the arrestee at the time that the property is removed from his/her person or control. When circumstances make the immediate completion of the Form 10.10.00 impractical, it must be issued as soon as possible after the property is taken into Department custody.*”

#### **Audit Procedures**

Each arrest package was examined to determine whether property was recovered or seized as evidence from the arrestee. For packages indicating property was recovered or seized as evidence from arrestees, auditors determined whether a Receipt for Property Taken into Custody, was issued in accordance with Department policy.

Of the 75 arrest packages where property was recovered or seized [(Objective No. 3(d)], 68 required the issuance of a Receipt for Property Taken into Custody.<sup>5</sup> The seven that did not require an issuance are as follows: four were vehicle impounds as a result of an arrest, two were blood samples for Driving Under the Influence arrests, and one was a petty theft where property recovered from the arrestee was returned to the victim.

Arrest packages that contained documentation of issuance of a Receipt for Property Taken into Custody when property was taken from an arrestee, met the standard for this objective.

## Findings

Sixty-five (96%) of the 68 arrest packages met the standard for this objective. Table No. 6 delineates three arrest packages that did not meet the standard.

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<sup>5</sup>Department Manual section 4/510.10, Booking Evidence and Non-Evidence, states, “It is not necessary to issue the Form 10.10.00 for blood and urine samples or biological smear specimens taken from an arrestee.”

**Table No. 6 – Issuance of Receipt for Property Taken Into Custody**

Bureau/Area/Division	Finding Description
North Hollywood Area (Booking No. 3847125) Topanga Area (Booking No. 3860485) Pacific Area (Booking No. 3793635)	There was no documentation that a Receipt for Property Taken into Custody was issued.

**Objective No. 3(f) – Marsy’s Rights Card Provided**

**Criteria**

Special Order No. 43, 2009, Implementation of Marsy’s Law; Investigative Report, Form 03.01.00 – Revised; and Arrest Report, Form 05.02.00 – Revised, states, “**Officer’s Responsibilities.** *A. Officers completing any crime report (e.g., IR; Stolen Vehicle Report, CHP Form 180, etc.) or combined crime/arrest report (e.g., Arrest Report) shall provide the victim(s) a Marsy’s Rights Card.*

***Note:** If officers complete the report telephonically, they shall mail, fax, or e-mail as an attachment, a Marsy’s Rights Card to the victim.*

*B. Officers shall document whether a Marsy’s Rights Card was provided to the victim(s) at the time of the report, or whether it was mailed, faxed, or e-mailed to the victim. The information shall be documented by either checking the appropriate box on the face sheet of the IR or Arrest Report, or documenting it in the “Additional” heading of any crime report.”<sup>6</sup>*

**Audit Procedures**

Each arrest package was examined to determine if the Investigative Reports (IRs), Arrest Reports, or any crime report documented whether a Marsy’s Rights Card was provided to the victim(s) or person reporting, and that the appropriate box on the IR or Arrest Report face sheet was checked.

Of the 108 arrest packages examined, 45 involved a victim of a crime and required documentation of whether a Marsy’s Rights Card was provided to the victim(s)/person reporting. The arrest packages were assessed for this objective. Arrest packages indicating that a Marsy’s Rights Card was provided to the victim/person reporting met the standard for this objective.

<sup>6</sup>Special Order No. 43, 2009, is cited here because Department Manual section 4/203.34, Marsy’s Law, was incorrectly transcribed and is currently being revised.



## Findings

Forty-two (93%) of the 45 arrest packages met the standard for this objective. Table No. 7 delineates three arrest packages that did not meet the standard.

**Table No. 7 – Marsy’s Rights Card Provided**

Bureau/Area/Division	Finding Description
Northeast Area (Booking No. 3868242)	There was no documentation in the arrest package that a Marsy’s Rights Card was issued.
Southeast Area (Booking No. 3813420)	
Mission Area (Booking No. 3827178)	

## Objective No. 3(g) – Completion of Arrest Report Approval Checklist

### Criteria

Office of Operations, Operations Order No. 3, March 29, 2013, Arrest Report Approval Checklist, Form 05.02.15, Activated, states, “*WATCH COMMANDER’S RESPONSIBILITIES. When reviewing an arrest report, the watch commander must:*

- *Ensure an Arrest Report Approval Checklist is attached to the arrest report;*
- *Complete the appropriate boxes related to the arrest report; and,*
- *Place his/her signature and serial number at the bottom of the Arrest Report Approval Checklist.”*

### Audit Procedures

Each arrest package was examined to determine whether the Arrest Report Approval Checklist was attached, and whether the watch commander or watch commander designee placed his/her signature and serial number on the bottom of the form.

Arrest Report Approval Checklists that were signed by the watch commander or watch commander designee along with his/her serial number at the bottom of the form met the standards for this objective.

## Findings

Eighty-one (75%) of the 108 arrest packages met the standard for this objective. Of the 27 that did not meet the standard for this objective, 23 did not include the form. Table No. 8 delineates the 27 checklists that did not meet the standard.

*This section intentionally left blank*

**Table No. 8. – Completion of Arrest Report Approval Checklist**

Bureau/Area/Division	Number of Reports
Central – Central (3)/Hollenbeck (1)/Central Traffic (1)	5
South – Harbor(1)/Southeast (3)	4
Valley – Devonshire (1)/ Foothill (1)/Mission (3)/North Hollywood (3) Topanga (2)/West Valley (1)/Valley Traffic (1)	12
West – Pacific (4)	4
Detective Bureau – Gang and Narcotics Division (2)	2
Total	27

Of the 81 checklists that were included in the arrest reports, 57 (70%) used the checklist dated 7/13, which was amended to include the “Photos, Recordings, Video, DICV and Digital Imaging” heading. Although the absence of this checklist within the arrest package does not jeopardize the case for court purposes, the checklist was developed as a tool for watch commanders to utilize in ensuring all requirements are included within the arrest packages.

**Objective No. 3(h) – Photos, Recordings, Videos, DICV and Digital Imaging**

**Criteria**

Administrative Order No. 6, July 18, 2013, ARREST REPORT APPROVAL CHECKLIST, FORM 05.02.15 - REVISED; ARREST REPORT - FIELD NOTEBOOK DIVIDER, FORM 18.32.00 - REVISED; INVESTIGATIVE REPORT, FORM 03.01.00 - REVISED; GENERAL REPORTING INSTRUCTIONS - FIELD NOTEBOOK DIVIDER, FORM 18.30.00 - REVISED; CITY ATTORNEY DISCLOSURE STATEMENT, FORM 05.02.09 -REVISED, states, “*The narrative heading "Photographs" has been changed to "Photos, Recordings, Video, DICV and Digital Imaging".*” Additionally, per General Reporting Instructions, Form 18.30.00, “*This heading must be included.*”

**Audit Procedures**

Each arrest report was examined to determine whether the heading “Photos, Recordings, Video, DICV and Digital Imaging” was included in the narrative.

Arrest reports that included the heading “Photos, Recordings, Video, DICV and Digital Imaging” met the standard for this objective.

**Findings**

Forty-five (42%) of the 108 arrest reports met the standard for this objective. Table No. 9 delineates 63 arrest reports that did not meet the standard.

**Table No. 9 – Photos, Recordings, Videos, DICV and Digital Imaging**

Bureau/Area/Division	Number of Reports
Central – Central (6)/Hollenbeck (3)/Northeast (2)/Rampart (3)/Central Traffic (1)	15
South – 77 <sup>th</sup> Street (1)/Harbor (4)/Southeast (4)/Southwest (1)/Criminal Gang Homicide Division (2)	12
Valley – Devonshire (1)/Foothill (3)/Mission (2)/Topanga (8)/West Valley (2)/Valley Traffic (2)	18
West – Hollywood (7)/Pacific (1)/West Los Angeles (2)/Wilshire (2) West Traffic (3)	15
Detective Bureau – Gang and Narcotics Division (3)	3
<b>Total</b>	<b>63</b>

### **OTHER RELATED MATTER**

Notwithstanding the lack of a proper heading, 57 (90%) of the 63 arrest packages that did not meet the standard had either “Photos” or “Photographs” as a heading. In other words, 102 (94%) of the 108 arrest packages had at least “one” of the aforementioned headings within the narrative.<sup>7</sup> The purpose of the new heading is to delineate the type of evidence to be specifically documented. Some of the feedback from the geographic Areas indicated that officers may be utilizing a template for arrest report narratives, and have simply not changed that template to include the new heading.

### **Objective No. 4 – Supervisory Oversight**

Supervisory oversight was evaluated under Objective No. 4(a-c).

### **Objective No. 4(a) – Approval of Arrest Report**

#### **Criteria**

Department Manual section 4/216.01, Advice/Approval On Felony Bookings, 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 report(s).*”

<sup>7</sup>Of the 108 arrest packages, 24 included either photographs, recordings, videos, DICV, or digital imaging evidence.



### **Audit Procedures**

The arrest reports were examined for proper approval by a watch commander or designee and if verification of the watch commander or designee was made by reviewing the Watch Commander's Daily Report. If the verification could not be made, the supervisor's Sergeant's Daily Report was reviewed to verify his/her assumption of watch commander duties.

If verification could not be made in either case, a determination was made on whether the approving supervisor was an uninvolved supervisor. Arrest reports that contained proper documentation of approval met the standard for this objective.

### **Findings**

One hundred two (94%) of the 108 arrest reports met the standard for this objective. Table No. 10 delineates the six arrest packages that did not meet the standard.

**Table No. 10 – Approval of Arrest Report**

Area/Division	Finding Description
Central (Booking No. 3873138) Hollenbeck (Booking No. 3834144) Foothill (Booking No. 3860196) Valley Traffic Division (Booking No. 3806235) Gang and Narcotics Division (Booking Nos. 3833431 and 3802354)	The report was not signed by the assigned or designated watch commander.

### **Objective No. 4(b) – Booking Approval**

#### **Criteria**

Department Manual section 4/216.02, Advice/Approval on Misdemeanor Bookings. Booking Approval Procedure, states, *"Booking approval for any arrest, shall only be obtained from the Area watch commander or the Watch Commander, Metropolitan Jail Section, Jail Division. When providing 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."*

#### **Audit Procedures**

Each booking approval was examined for appropriate approval by a watch commander or designee. Verification of the watch commander or designee was made by reviewing the Watch Commander's Daily Report.

If verification could not be made in either case, a determination was made on whether the approving supervisor was an uninvolved supervisor. Arrest reports that contained proper documentation of approval met the standard for this objective.

Booking approvals that contained the proper approvals met the standard for this objective.

### Findings

One hundred six (98%) of the 108 booking approvals met the standard for this objective. Table No. 11 delineates two arrest packages that did not meet the standard.

**Table No. 11 – Booking Approval**

Area	Finding Description
Topanga (Booking No. 3842819) Hollywood (Booking No. 3798660)	The booking approval was not signed by the assigned or designated watch commander.

### **Objective No. 4(c)–Post-Incident Supervisory Review**

#### Criteria

Department Manual section 4/216.01, Advice/Approval on Felony Bookings, 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(s) is not authentic or correct. Subsequent to review, the watch commander or his/her designee shall indicate approval by signing (including serial number) the report(s).*”

#### Audit Procedures

The arrest packages were examined to determine the presence of required forms (listed below, as applicable), and whether they were properly completed.

- Property Report;
- Request for Confidentiality of Information;
- Firearms Supplemental Report;
- Domestic Violence Supplemental Form; and,
- City Attorney Disclosure Statement.

Other issues that should have been reasonably identified and corrected by supervisors that were not addressed in the previous objectives were also reported in this objective. Arrest packages that included the required forms and that were properly completed, and for which there were no other issues that were not addressed elsewhere, met the standard for this objective.

## Findings

Ninety-four (87%) of the 108 arrest packages met the standard for this objective. Table No. 12 delineates the 14 arrest packages that did not meet the standard.<sup>8</sup>

**Table No. 12 – Post-Incident Supervisory Review**

Area/Division	Finding Description
Northeast (Booking No. 3868242) Southeast (Booking No. 3817156) Topanga (Booking No. 3847751)	The arrest packages did not complete the Domestic Violence Supplemental Report
Foothill (Booking Nos. 3840758, 3860196) Mission (Booking Nos. 3838059, 3827294, 3839600) Valley Traffic (Booking No. 3838871)	The arrest packages did not complete the City Attorney Disclosure Statement. <sup>9</sup>
Southeast (Booking No. 3817156)	The arrest report did not complete the Request for Confidentiality of Information.
Southeast (Booking No. 3832893) Valley Traffic (Booking No. 3806235)	No documentation of strip search results in narrative or booking approval. The arrest packages authorized a strip search on the booking approval; however, the documentation of the strip search was incomplete. <sup>10</sup>
Southeast (Booking No. 3872374)	No documentation of reason for strip search.
Van Nuys (Booking No. 3804894)	No documentation of employee conducting search on booking approval.
West Los Angeles (Booking No. 3835732)	Watch Commander signed authorization for search, but no documentation to what type of search or if a booking search was conducted.

<sup>8</sup>There were 15 issues identified, involving 14 arrest packages. Southeast Area arrest package (Booking No. 3817156) had two issues.

<sup>9</sup>Department Manual section 4/203.12, City Attorney Disclosure Statement, states, "Officers shall complete a City Attorney Disclosure Statement, Form 05.02.09, for every adult felony and misdemeanor arrest report completed."

<sup>10</sup>Department Manual section 4/620.22, BOOKING SEARCHES – Strip Search or Visual Body Cavity Search, states, "Upon completion of the search, complete the "Results of Search" portion of the Form 12.31.00 and include the information in the arrest report narrative."

Although some of these findings are a matter of Department policy and facilitation with other entities (e.g., the City Attorney Disclosure Statement), other required forms may have implications that place the Department at risk. It is plausible that if supervisors followed the Arrest Report Approval Checklist (see Objective No. 3(g)), they would capture any areas of deficiency such as those identified in this objective.

#### **RECOMMENDATIONS**

None.

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

Internal Audits and Inspections Division presented the audit report to the Director, Office of Operations.