

INTRADEPARTMENTAL CORRESPONDENCE

November 21, 2014

14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OPERATIONS – VALLEY BUREAU NARCOTICS ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT
(IAID NO. 14-041)

RECOMMENDED ACTIONS

1. The Board of Police Commissioners REVIEW and APPROVE the attached Operations – Valley Bureau (OVB) Narcotics Enforcement Detail (NED) Command Accountability Performance Audit (CAPA).
2. The Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

Internal Audits and Inspections Division conducted the OVB NED CAPA to evaluate adherence with related Department directives.

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

*OPERATIONS-VALLEY BUREAU
NARCOTICS ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE
AUDIT*

(IAID No. 14-041)



Conducted by
INTERNAL AUDITS AND INSPECTIONS DIVISION

CHARLIE BECK
Chief of Police

October 2014.

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EXECUTIVE SUMMARY
OPERATIONS-VALLEY BUREAU NARCOTICS ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT
Conducted by Internal Audits and Inspections Division
Third Quarter, Fiscal Year 2013/14

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit and Inspection Plan for fiscal year 2013/14, Internal Audits and Inspections Division (IAID) conducted the Operations–Valley Bureau (OVB) Narcotics Enforcement Detail (NED) Command Accountability Performance Audit (CAPA). The NED CAPAs are performed to determine if the internal controls within each Area are effective to ensure they are operating within Department policies and procedures, as well as other established criteria set forth by state and federal guidelines.

BACKGROUND

This is the second NED CAPA performed in OVB. The audit included an evaluation of OVB NEDs' operating procedures and work product, which included: Arrest Reports, Form 05.02.00, Search/Ramey Warrant Packages, Daily Activities Logs (DALs), Sergeant Daily Reports (SDRs), Form 15.48.00 and Standards Based Assessments (SBAs, Form 01.87.00). The aforementioned documents were examined for accuracy, completeness, timely submission, articulation of reasonable suspicion/probable cause and supervisory oversight.

SUMMARY OF AUDIT FINDINGS

The audit consisted of 14 objectives. The Department had 100 percent compliance in five of the 14 objectives; Evaluation of Arrest Reports (two objectives), which were specific to articulation of reasonable suspicion and probable cause and articulation of search and seizure and Evaluation of Search/Ramey Warrant Packages (two objectives), which were specific to magistrate approval of search/Ramey warrants and Evaluation of Informants and Evaluation of Confidential Financial Disclosure Filings (one objective) adherence to the confidential Financial Disclosure Requirement.

An 80 percent or higher compliance was achieved in 4 of the 9 remaining objectives. The four objectives which are detailed below are administrative in nature with the exception of Objective 1(c) which pertained to the Miranda Admonition.

- Objective 2(b) - Evaluation of Search/Ramey Warrant Packages- Completeness of the Warrant Tracking Log
- Objective 2(c) - Evaluation of Search/Ramey Warrant Packages- Supervisor/Commanding Officer review and approval of the Tactical Plan Report
- Objective 2(e) - Evaluation of Search/Ramey Warrant Packages-Adherence to other significant policies and procedures.

The five areas listed below received 79 percent or below compliance. These findings were administrative in nature and would not impact the successful prosecution of the case:

- Objective 2(d) - Completion of Required Employee Comment Sheets: 52 percent compliance
- Objective 3 - Consistency of Arrest Report and Search/Ramey Warrant Packages: 69 percent compliance
- Objective 4 - Completion of SBAs: 79 percent compliance
- Objective 5(a) - Narcotics Enforcement Detail Officer Roles (Did NED officer's complete and accurately record their activities in their logbooks): 75 percent compliance
- Objective 5(b) - Narcotics Enforcement Detail Supervisory Roles (Did NED supervisor's complete and accurately record their activities in their SDRs): 60 percent compliance

CONCLUSION

This is the second time that an OVB NED CAPA has been conducted. The first OVB NED CAPA was conducted in 2011. A review of the findings from the previous audit revealed that the Department has made marginal improvement in areas pertaining to timely completion of SBAs and Employee Comment Sheets. Based on the current audit findings, improvement is still warranted in areas directly attributed to conscientious supervisory oversight and review of Search Warrant Packages including Tactical Plan Reports, Arrests Reports and associated documents.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Internal Audits and Inspections Division presented the CAPA report and findings to the Commanding Officer, OVB, and the Director, Office of Operations both of whom were in general agreement with the findings.

**OPERATIONS-VALLEY BUREAU NARCOTICS ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT**

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

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit and Inspection Plan for fiscal year 2013/14, Internal Audits and Inspections Division (IAID) conducted the Operations–Valley Bureau (OVB) Narcotics Enforcement Detail (NED) Command Accountability Performance Audit (CAPA). The NED CAPAs are performed to determine if the internal controls within each Area are effective to ensure they are operating within Department policies and procedures, as well as other established criteria set forth by state and federal guidelines.

Internal Audits and Inspections Division conducted this performance 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

Internal Audits and Inspections Division developed CAPAs to address risk management issues, assess operations, and provide timely information to Department management pertaining to NED units.

PRIOR AUDITS

This is the second NED CAPA performed for OVB. Internal Audits and Inspections Division conducted the previous OVB NED CAPA in January 2012.

METHODOLOGY

Scope

The audit included the review of Arrest Reports, Form 05.02.00 and associated documents, Search/Ramey Warrant packages, Standards Based Assessments (SBAs), Form 01.87.00, NED investigations, supervisory roles, officer roles, and Confidential Financial Disclosure Filings, Form 01.74.01.

The period reviewed was August 1, 2013, to October 31, 2013. The audit steps employed are further delineated under each audit objective.

Fieldwork

The fieldwork was performed between January 28, 2014, and February 21, 2014.

Internal Audits and Inspections Division met with the Commanding Officer (C/O) of OVB and provided an Intradepartmental Correspondence, Form 15.02.00, explaining the audit's methodology and requested input regarding additional areas requiring evaluation.

SUMMARY OF FINDINGS

Table No. 1 – Summary of the Audit Findings for Each Objective

Objective No.	Description of Audit Objective	2011/12 Operations-Valley Bureau Totals	2013/14 Operations-Valley Bureau Totals
1	Evaluation of Arrest Reports		
1(a)	Articulation of Reasonable Suspicion and Probable Cause to Arrest	60/60 (100%)	56/56 (100%)
1(b)	Articulation of Search and Seizure	55/55 (100%)	56/56 (100%)
1(c)	Admonition of Miranda Rights	59/59 (100%)	48/56 (86%)
2	Evaluation of Search/Ramey Warrant Packages		
2(a)	Magistrate Approved the Search/Ramey Warrant	13/13 (100%)	25/25 (100%)
2(b)	Completeness of the Warrant Tracking Log	6/7 (86%)	21/25 (84%)
2(c)	Supervisor Approval of Search/Ramey Warrant Packages	13/13 (100%)	20/25 (80%)
2(d)	Completion of Required Employee Comment Sheets	4/13 (31%)	13/25 (52%)
2(e)	Adherence to other Significant Policies and Procedures	10/13 (77%)	20/25 (80%)
2(f)	Evaluation of Confidential Informants ¹	2/2 (100%)	3/3 (100%)
3	Consistency of Arrest Report and Search/Ramey Warrant Packages		
3	Consistency of Arrest Report and Search/Ramey Warrant Packages	63/67 (94%)	56/81 (69%)
4	Completion of Standards Based Assessments		
4	Completion of Standards Based Assessments	41/57 (72%)	44/56 (79%)
5	Evaluation of Narcotics Enforcement Detail Investigations²		
5(a)	Narcotics Enforcement Detail Officer Roles	N/A	42/56 (75%)
5(b)	Narcotics Enforcement Detail Supervisory Roles	N/A	31/52 (60%)
6	Adherence to Confidential Financial Disclosure Requirements		
6	Adherence to Confidential Financial Disclosure Requirements	57/57 (100%)	57/57 (100%)

¹ Arrest reports that indicated a confidential informant was used were also included in sub-objective 2(f).

² Objective 5 was not measured in the prior 2011/12 audit; therefore, no comparison can be made.

DETAILED FINDINGS

Objective No. 1 – Evaluation of Arrest Reports

This objective included the review of arrest reports and associated documents completed by all personnel assigned to OVB NED units during the audit period. The arrest reports were evaluated to determine whether they included articulation of legal sufficiency for actions taken, and whether they contained evidence of significant deviations from Department policies and procedures.

Internal Audits and Inspections Division identified a total of 56 arrest reports. A copy of each arrest report was obtained directly from the respective Area's Records Units.

Objective No. 1(a) – Articulation of Reasonable Suspicion and 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."*

Audit Procedures

Each arrest report was reviewed to determine whether it sufficiently articulated the legal basis for all actions taken (e.g., detentions, arrests, and searches). Arrest reports that articulated the aforementioned criteria and procedures met the standards for this objective.

Findings

Each (100%) of the 56 arrest reports met the standards for this objective.

Objective No. 1(b) – Articulation of Search and Seizure

Criteria

Department Manual Section 4/217, Searches of Suspects and Arrestees, states, *"Searches of Arrestees. When the rules of search and seizure permit, an arrestee shall be thoroughly searched as soon as practicable..."*

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

Audit Procedures

Each arrest report was reviewed to evaluate the legality of each search, including booking searches involving strip and visual body cavity searches. Arrest reports that articulated the search authority met the standards for this objective.

Findings

Each (100%) of the 56 arrest reports met the standards for this objective.³

Objective No. 1(c) – Admonition of Miranda Rights

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

Audit Procedures

Each arrest report was reviewed for the overall chronology of arrest events, specifically examining whether a detainee was interrogated regarding his/her participation in criminal activity. Arrest reports were also reviewed for evidence of Miranda Rights adherence. Arrest reports that contained no evidence of Miranda Rights Admonition violations met the standards for this objective.

³Searches incident to arrest were not considered for this objective.

Findings

Forty-eight (86%) of the 56 arrest reports met the standards for this objective. The eight arrest reports that did not meet the standards are detailed below:

North Hollywood Area

- Divisional Record Nos. 13-15-17544, 13-15-01081, and 13-15-18443 – The arrest report narrative indicates the arrestee was given the Miranda admonition; however, the responses were not documented in the arrest report.

Foothill Area

- Divisional Record No. 13-16-14537 – Both arrest report face sheets indicate that the defendants were admonished; however, the arrest report narrative indicate that only defendant 2 was admonished (twice).
- Divisional Record No. 13-16-13120 – The Miranda response to each question was not documented in the arrest report.

Devonshire Area

- Divisional Record No. 13-17-16992 – The Miranda responses were not documented in the arrest report.

Mission Area

- Divisional Record No. 13-19-20954 – The Miranda responses were not documented in the arrest report.

Topanga Area

- Divisional Record No. 13-21-16272 – The Miranda responses were not documented in the arrest report.

Objective No. 2 – Evaluation of Search/Ramey Warrant Packages

This audit objective included the review of Search/Ramey warrant packages completed by NED personnel during the audit period. A review of OVB Area Warrant Tracking Logs (WTL), Form 08.17.05, revealed that NED officers authored Search/ Ramey Warrants for 25 locations during the audit period. The corresponding search warrant packages were reviewed to determine if the following Department policies and procedures were followed:

- The magistrate approved the search warrant and affidavit prior to service;
- The search warrant was properly documented on the WTL;
- The search warrant was served within the required ten-day period;
- The Warrant Service/Tactical Plan (Tac Plan) Report, Form 12.25.00, and Return to Search Warrant were completed;
- The C/O or designee initialed page one of the Tac Plan;
- The information documented on the "Return to Search Warrant" (location, vehicle, person(s) and description, etc.) was consistent with the information documented in the affidavit;
- The Employee Comment Sheet(s), Form 01.77.00, adequately addressed, at a minimum, the six items listed in Manual Section 4/742.10, Search Warrant And Probable Cause Arrest Warrant Procedures;
- The warrant affidavit contains a description of the person, places and vehicles to be searched;
- The warrant affidavit contains a description of the property to be seized and/or the person to be arrested;
- Proper use of confidential informants (if applicable); and,
- There was consistency between the evidence seized and the description of the property to be seized as documented in the search warrant.

Objective No. 2(a) – Magistrate Approved the Search/Ramey Warrant

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

Search warrant packages were reviewed to determine if they were properly approved by a magistrate prior to the service of the search warrant. Packages that contained evidence of a signature by the magistrate, prior to the service of the warrant met the standards for this objective.

Findings

Each (100%) of the 25 search warrant packages met the standards for this objective.

Objective No. 2(b) – Completeness of the Warrant Tracking Log

Criteria

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, *“Officer’s Responsibility. An officer obtaining a search or Ramey warrant shall;”*

“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

Internal Audits and Inspections Division staff reviewed the Warrant Tracking Logs to determine if they were completed and maintained as required. Each Warrant Tracking Log entry was evaluated independently.⁴ Warrant Tracking Log entries that were complete, properly documented search warrant information and were approved by the C/O by the end of the month, met the standards for this objective.

Findings

Five of the seven Areas audited contained WTLs, which identified the affiant as NED personnel and were applicable for this objective.

Twenty-one (84%) of the 25 search warrant entries were properly documented on the WTL. The four search warrant entries below did not meet the standards for the following reasons:

⁴ One Search Warrant may contain permission to search multiple locations. Each entry on the WTL corresponds to a specific location which was searched.

West Valley Area

- Search Warrant No. 13LAT0160, locations 1 and 2 – The WTL indicates that the search warrant was not served; however, the search warrant was served on 09/11/13 at both locations.
-

Foothill Area

- Search Warrant No. 13SR147 – The WTL incorrectly indicates that a Confidential Informant (CI) was used.
- Search Warrant No. 13SR182 – The WTL does not indicate the search warrant number or the return date.

Objective No. 2(c) – Supervisor Approval of Search/Ramey Warrant Packages

Criteria

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states *“Tactical Plan Report. Prior to the warrant service, the designated supervisor shall review and determine if a Tactical Plan Report is required. If the Tactical Plan Report is required, the supervisor shall follow the guidelines established in Manual Section 5/12.25.00.”*

Department Manual Section 5/12.25.00 Warrant Service/Tactical Plan Report, Form 12.25.00, states *“The Tactical Plan Report Shall be completed prior to the service of a search or Ramey warrant.”*

12.25.00-01 Use of Form. The seven-page form shall be used to document information that will serve as the basis of the warrant service tactical plan. No other reporting formats are authorized.

12.25.00-10 Completion. The Tactical Plan Report shall be completed as follows:

“Supervisor. The designated supervisor shall review the Tactical Plan Report and, if approving, sign page one. Following service of the warrant, a supervisor that was at the scene of the service shall conduct a debriefing and document the debriefing and the debriefing location in the “Debriefing Location” and “Debriefing Summary” sections...”

“Commanding Officer. Prior to the service, the commanding officer or designee shall review and approve the Tactical Plan Report by placing his or her initials on the bottom right hand corner of the first page. Following service of the warrant, the commanding officer shall review the Tactical Plan Report for completeness and sign page seven.”

Audit Procedures

Search warrant packages were reviewed to determine if the warrant service conditions were documented, and a C/O evaluated the execution and supervisory oversight of the service. Search warrant packages that showed evidence of the above criteria met the standards for this objective.

Findings

Twenty (80%) of the 25 search warrant packages met the standards for this objective. The five search warrant packages below did not meet the standards for the following reasons:

North Hollywood Area

- Ramey Warrant No. 4315 and Search Warrant No. 13V0268, locations 1 and 2 – The search warrant was served on 10/17/13; however, the C/O did not sign the Tac Plan until 01/13/14.
- Search Warrant No. 13V0251 – The search warrant was served on 09/25/13; however, the C/O did not sign the Tac Plan until 01/13/14.

Foothill Area

- Search Warrant Nos. 66399 and 13SR131 – The C/O's name was printed on page seven but not signed as required.

Objective No. 2(d) – Completion of Required Employee Comment Sheets

Criteria

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 service of a search warrant 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.*

Note: As a reminder, commanding officers are required to sign and date the completed Employee Comment Sheet."

Audit Procedures

Applicable Division Employee Folders and search warrant packages were reviewed to determine if an Employee Comment Sheet was given to the supervisor(s) who provided supervisory oversight at the search warrant location. The Employee Comment Sheet was then reviewed to determine if it was complete and met the above criteria.

Findings

Thirteen (52%) of the 25 search warrant packages met the standards for this objective. The 12 search warrant packages listed below did not meet the standards for the following reasons:

North Hollywood Area

- Ramey warrant No. 4315 and search warrant No. 13V0268 – The Employee Comment Sheets were not signed and dated by the C/O as required. Therefore, IAID was unable to determine if they were completed within the required seven days.
- Search warrant Nos. 13V0285, locations 1 and 2, 13V0251, and 13V0219 – The Employee Comment Sheets were not signed and dated by the C/O as required.

Foothill Area

- Search Warrant No. 66399 – The Employee Comment Sheet does not contain the search warrant time of service.
- Search Warrant No. 13SR131 – The Employee Comment Sheet contained the incorrect search warrant time of service.
- Search Warrant No. 13LAT0203, location 1 – The Employee Comment Sheet does not contain the search warrant time of service and the C/O did not date the Employee Comment Sheet as required. Therefore, IAID was not able to determine if it was completed within the required seven days.
- Search Warrant No. 13SR182 – The Employee Comment Sheet was not signed and dated by C/O as required. Therefore, IAID was unable to determine if it was completed within the required seven days.

Topanga Area

- Search Warrant No. 13LAT0163, locations 1 and 2 – The Employee Comment Sheets were not dated by the C/O as required and they contained canned language. Additionally, they were not specific to each supervisor's duties as required.

Objective No. 2(e) – Adherence to other Significant Policies and Procedures

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

Each search warrant package was reviewed for completeness, the completion of an Arrest Report, Continuation Sheet, Form 15.09.00, Property Report, Form 10.01.00, Receipt for Property Taken into Custody, Form 10.10.00, and that it contained all required documents. These forms were selected for examination based on their relevance in evaluating the legality of the officers' actions.

Search warrant packages that contained the required documents and forms met the standards for this objective.⁵

Findings

Twenty (80%) of the 25 search warrant packages met the standards for this objective. The five search warrant packages below did not meet the standards for the following reasons:

⁵In accordance with Department Manual Sections 4/742.10 and 4/742.30, if a Search Warrant's Tac Plan indicated photos were taken, then the associated search warrant package was evaluated for the presence of photos (e.g., photocopies, disk, flash drive, etc.).

West Valley Area

- Search warrant No. 13LAT0160, locations 1 and 2 – The arrest report narrative is inconsistent with the Tac Plan “Tactics Evaluation” section. The arrest report indicated the suspect opened the door and came out, whereas the Tac Plan stated the officer made entry via an unlocked door after no response to the knock and notice.

North Hollywood Area

- Search warrant No. 13V0285, locations 1 and 2 – A Receipt for Property Taken into Custody was not issued for property report items Nos. 58-60.

Foothill Area

- Search warrant No. 13SR131 – The search warrant was served on 08/14/13; however, the Tac Plan “Briefing” section indicates 08/20/13.

Objective No. 2(f) – Evaluation of Confidential Informants

Criteria

Department Informant Manual Section 2/260, Guidelines to Manage Informants, states, “*The following procedures shall be followed when dealing with informants:*

Informant Contact Form. Once an informant package has been approved by the C/O ND, all subsequent meetings and contacts with the informant shall be documented on an Informant Contact Form. The Informant Contact Form serves as a chronological log and follow-up report. In addition, the Informant Contact Form may be utilized for administrative purposes to document information relevant to the informant’s suitability, productivity history, or other miscellaneous information.

All Informant Contact Forms should be submitted, reviewed and approved by the C/O ND within 30 calendar days.”

Audit Procedures

Each search warrant package was reviewed to determine if a CI was used. When it was determined that a CI was used, IAID reviewed the corresponding CI package at Gang and Narcotics Division to verify that an active package existed, and that the contact with the CI was documented.

The CI packages that contained the required information met the standards for this objective.

Findings

Of the 25 search warrant packages reviewed, three indicated that a CI was used, and were applicable for this objective.

Each (100%) of the three CI packages reviewed met the standards for this objective.

Objective No. 3 – Consistency of Arrest Report and Search/Warrant Packages

Criteria

Department Manual Section 4/216.01, Advice/Approval on Felony Bookings, states, *“Arrest Reports. 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

Each arrest report and search warrant package, and associated documents, were reviewed for inconsistent information. Inconsistent information was defined as inconsistencies that would have an impact on the investigation or question the associated documents. Documents reviewed included, but was not limited to, the Arrest Report and arrest narrative, Search Warrant and Affidavit, Tac-Plan, Property Report, Receipt for Property Taken into Custody, Booking Approval, Form 12.31.00, Employee Comment Sheet and the Adult Detention Log, Form 06.19.00. Arrest report/search warrant packages that did not contain significant inconsistent information within each report and associated documents met the standards for this objective.

Findings

Fifty-six (69%) of the 81 arrest report/search warrant packages reviewed met the standards for this objective. The 25 arrest report/search warrant packages below did not meet the standards for the following reasons:

Van Nuys Area

- Divisional Record No. 13-09-17887 – The watch commander (WC) noted in the arrest report narrative as giving booking approval is different than the WC who signed the booking approval form.

- Divisional Record No. 13-09-15449 – Item No. 17 in the property report is not documented in the arrest report narrative.

West Valley Area

- Divisional Record No. 13-17-14662 – The arrest report narrative does not contain all the evidence recovered, and the descriptions of the evidence in the arrest report and property report are inconsistent.
- Divisional Record No. 13-10-14911 – Item No. 14 in the property report is not documented in the arrest report narrative.
- Divisional Record No. 13-10-15147 – The location where items Nos. 12 and 13 were recovered is different in the property report from what is documented in the arrest report narrative. In addition, item No. 14 in the property report is not documented in the arrest report narrative.
- Divisional Record No. 13-10-16943 – The name of the WC who approved booking is not documented in the arrest report.

North Hollywood Area

- Divisional Record No. 13-15-01058 – The arrest report narrative indicates three bags of narcotics were recovered; however, the property report indicates two.
- Divisional Record No. 13-15-01156 – Items Nos. 58, 59 and 60 in the property report are not documented in the arrest report narrative. Additionally, a property receipt was not issued for all items listed in the property report; however, a receipt for property was issued for other items. Items Nos. 7 and 35 are incorrectly listed in the property receipt.
- Divisional Record No. 13-15-18443 – Item No. 9 in the property report is inconsistent with the property receipt.
- Search Warrant No. 13V0219 – Item No. 2 in the property report is listed as \$37.15; however, the property receipt states \$37.17.

Foothill Area

- Divisional Record No. 13-16-14288 – Item No. 5 in the property report is not documented in the arrest report narrative.
- Divisional Record No. 13-16-14537 – Item No. 19 in the property report is not documented in the arrest report narrative.

- Divisional Record No. 13-16-13120 – Items Nos. 12, 14 and 15 in the property report are not documented in the arrest report narrative.
- Divisional Record No. 13-16-14401 – Item No. 4 in the arrest report narrative is not documented in the property report.

Devonshire Area

- Divisional Record No. 13-17-17242 – The property report is inconsistent with the arrest report narrative.

Mission Area

- Divisional Record No. 13-19-16684 – Item No. 2 in the property report is inconsistent with the arrest report narrative.
- Divisional Record No. 13-19-17042 – Items No. 68-73 and 95 in the property report are not documented in the arrest report narrative.
- Divisional Record No. 13-19-20844 – Item No. 2 in the property report is inconsistent with the arrest report. Additionally, the WC noted in the arrest report as giving booking approval is different than the WC who signed the booking approval form.

Topanga Area

- Divisional Record No. 13-21-17565 – Item No 5 in the property report is not documented in the arrest report narrative.
- Divisional Record No. 13-21-15716 – Items in the property report are inconsistent with the arrest report narrative, and all items listed in the property report are not documented in the arrest report narrative.
- Divisional Record No. 13-21-17207 – Items Nos. 5, 6, 11, 13 and 14 in the property report are not documented in the arrest report narrative.
- Divisional Record No. 13-21-16017 – Items Nos. 3 and 4 in the property report are not documented in the arrest report narrative.
- Divisional Record No. 13-21-16263 – Items Nos. 3-9 in the property report are inconsistent with the arrest report narrative.

- Divisional Record No. 13-21-16016 – The combined evidence report section of the arrest report is inconsistent with the arrest report narrative. Additionally, the WC noted in the arrest report as giving booking approval is different than the WC who signed the booking approval form.
- Divisional Record No. 13-21-14113 – Item No. 3 in the property report is not documented in the arrest report narrative.

Objective No. 4 – Completion of Standards Based Assessments

Criteria

Department Manual Section 3/760.20, Standards Based Assessment - Lieutenants and Below, states, *“Supervisor’s Responsibilities. Supervisors who receive a Performance Evaluation Report Action Item (PERAI) shall:*

- *Review the concerned employee’s TEAMS report and all other available documents...”;*
- *“Complete the Standards Based Assessment, Lieutenant and Below, Form 01.87.00; and, Serve the employee with the final paper copy of the SBA, and complete the PERAI no later than 90-calendar days after the date it was issued.”*

According to the Standards Based Assessment (SBA) Lieutenant and Below Guidelines for Completing the Report, Form 01.87.02, a Risk Management Information System (RMIS) Action Item number, which corresponds with the TEAMS II Action Item number, is required in the Administrative Section of the report. The report must also contain signatures and dates of the employee, Department/unit assessor, reviewing supervisor, and C/O.⁶

Audit Procedures

Internal Audits and Inspections Division reviewed the Watch Assignment and Timekeeping Sheet for OVB NED personnel employed during the audit period and determined there were a total of 57 personnel. One employee’s Division Employee Folder was signed out to Internal Affairs Division; therefore, IAID was unable to access the Division Employee Folder and excluded it for this objective.

The remaining 56 Division Employee Folders were reviewed to determine if the following Department policy and procedures were followed:

- The SBA was completed for the current rating period;
- The SBA was signed by the employee, all supervisors, and the C/O; and,
- The PERAI was closed within 90 calendar days of the date issued.

⁶See Standards Based Assessment, Form 01.87.02, (09/11).

Findings

Forty-four (79%) of the 56 SBAs met the standards for this objective. The remaining 12 SBAs did not meet the standards for the following reasons:

Van Nuys Area

- One SBA was not current.
- One SBA did not contain the RMIS Action Item number and was closed beyond 90 calendar days of the date issued.

North Hollywood Area

- One SBA did not contain the RMIS Action Item number.
- One SBA was not current and did not contain the RMIS Action Item number.
- One SBA was not current and was closed beyond 90 calendar days of the date issued.

Mission Area

- One SBA did not contain the RMIS Action Item number.
- One SBA was not current and was closed beyond 90 calendar days of the date issued.
- One SBA was closed beyond 90 calendar days of the date issued (along with its respective PERAI).

Topanga Area

- Two SBAs were closed beyond 90 calendar days of the date issued.

West Valley Area

- Two SBAs did not contain the RMIS Action Item number.

Objective No. 5 – Evaluation of Narcotics Enforcement Detail Investigations

This objective included the Review of the Detective's Activity Logs (DALs) and Sergeant's Daily Reports (SDRs) completed by personnel assigned to OVB NED units during the audit period. The DALs and SDRs were evaluated to determine if they were completed in accordance with current Department policies and procedures.

Objective No. 5(a) – Narcotics Enforcement Detail Officer Roles

Criteria

Gang and Narcotics Division Order No. 2, 2009, Detective's Activity Log - Revised, states, *"Procedures. All field personnel below the rank of Detective III shall complete a DAL, handwritten in ink only..."*

"Detective Activity Log (DAL) Entries. Detective's Activity Log entries shall include, but are not limited to the following:

- All relevant times, including start of watch and end of watch times, overtime hours and significant activities.*
- All locations of significant activities, including start of watch and end of watch locations, out of county locations, surveillance locations, etc.*
- All mandatory appearances (court, administrative hearings, etc.).*
- All expenditures, including gasoline purchases, out-of-town expenses, informant payments, credit card purchases, and all known expenditures to be reimbursed by other agencies.*
- Vehicle information including shop number(s), repair and maintenance information and mileage at the time of gasoline purchase.*
- Informant contacts (including GND personnel present).*
- Partner information, if applicable.*
- Any other information as directed by the concerned OIC.*
- All field personnel below the rank of DIII shall complete their own DAL."*

Audit Procedures

On the dates when an arrest was made by a NED officer, the corresponding DALs were reviewed to determine if the required information was properly documented.

Findings

The corresponding DALs reviewed for 42 (75%) of the 56 arrest reports met the standards for this objective. The 14 DALs that did not meet the standards are detailed below:

West Valley Area

- The DALs dated 09/11/13 and 10/24/13 - Partner information was not indicated.
- The DALs dated 09/09/13, 09/12/13 and 10/24/13 - Partner information was not indicated.

Foothill Area

- The DAL dated 09/04/13 – The shop number was not indicated.
- The DAL dated 09/12/13 – End of watch time was not indicated.
- The DAL dated 09/16/13 – Partner information and end of watch time was not indicated.

Devonshire Area

- The DAL dated 08/07/13 – The required information was not documented, instead the DAL indicated that a different DAL be looked at for additional details.

Mission Area

- The DAL dated 09/13/13 - The required information was not documented, instead the DAL indicated that a different DAL be looked at for additional details.

Topanga Area

- The DAL dated 08/14/13 – The shop number was not indicated.
- The DAL dated 10/30/13 – Partner information was not indicated.
- The DAL dated 10/01/13 – The arrest information was missing and/or incomplete.
- The DAL dated 10/01/13 – Did not contain the required information, instead the DAL indicated that a different DAL be looked at for additional details.

Objective No. 5(b) – Narcotics Enforcement Detail Supervisory Roles

Criteria

Department Manual Section 5/18.49.00, Sergeant's Daily Report (SDR) Field Notebook Divider, states, "*General Rules. The Sergeant's Daily Report (SDR) is used to capture oversight activities completed by a field supervisor on a daily basis.*"

Gang and Narcotics Division Order No. 2, 2009, Detective's Activity Log – Revised, states, "*Procedures. ...Detectives III shall complete a Sergeant's Daily Report...*"

"Additionally, supervising detectives (Detectives III and acting Detectives III) shall enter the duty status of their subordinates, all significant personnel and supervisory matters, critiques of incidents, matters of probable interest to GND and any other information as directed by the concerned Officer in Charge (OIC)."

Operations Order No. 1, 2012, Check-In Procedures for Area Specialized Units, states,
“Procedure: I. Area Specialized Unit Supervisor’s Responsibilities. The supervisor of each Area specialized unit shall report to the on-duty patrol watch commander at the unit’s start of watch (SOW) and end of watch (EOW).”

“...That supervisor shall document the time and the name of the on-duty watch commander that was provided the DPS printout and the SOW check-in briefing in his/her Sergeant’s Daily Report, Form 15.48.00.”

“...The supervisor shall document the time and the name of the on-duty watch commander that was provided the EOW briefing in his/her Sergeant’s Daily Report.”

Audit Procedures

On the dates when an arrest was made by the NED unit, IAID collected the corresponding SDRs. The SDRs were reviewed to determine if one was submitted to the lieutenant by the NED supervisor who had oversight of the NED unit on the arrest date, and that it sufficiently documented all required information, and was signed by the lieutenant. An SDR that contained evidence of the aforementioned met the standards for this objective.

Findings

Thirty-one (60%) of the 52 SDRs reviewed met the standards for this objective. The 21 SDRs that did not meet the standards are detailed below:

Van Nuys Area

- The SDR dated 09/24/13 – Did not contain the unit’s duty status.

Foothill Area

- The SDRs dated 08/13/13, 08/14/13, 09/04/13, 09/12/13, 09/16/13, 09/17/13, 09/19/13, and 10/08/13 – Were not signed by the lieutenant.

Mission Area

- The SDRs dated 09/13/13, 10/08/13 and 10/10/13 – Were not signed by the lieutenant.

Topanga Area

- The SDRs dated 09/04/13, 09/25/13, 10/01/13, 10/10/13, 10/14/13, 10/21/13, 10/28/13, and 10/30/13 – Did not contain the unit’s duty status information.
- The SDR dated 09/19/13 – Was not signed by the lieutenant.

Objective No. 6 – Adherence to Confidential Financial Disclosure Requirements

Criteria

Department Manual Section 3/381, Confidential Financial Disclosure Policy and Procedures for Gang Enforcement and Narcotics Enforcement Personnel, states, “*Sworn employees at the rank of lieutenant or below shall submit a completed Confidential Financial Disclosure Face Sheet, Form 01.74.00, and a Confidential Financial Disclosure Report, Form 01.74.01, to the Financial Disclosure Coordinator (FDC), Internal Audits and Inspections Division, within ten calendar days of being selected and prior to assignment to or for the retention of an existing position within any assignment or loan to:*

- *Gang Impact Team (GIT);*
- *Gang Enforcement Detail (GED);*
- *Narcotic Enforcement Detail (NED) positions;*
- *Community Law Enforcement and Recovery (CLEAR) Unit; or,*
- *Gang and Narcotics Division (GND). Any sworn personnel whose primary duty involves contact with or investigation of gang and/or narcotics.”*

Audit Procedures

Internal Audits and Inspections Division met with the Financial Disclosure Coordinator to determine if a Confidential Financial Disclosure had been completed for the 57 NED officers assigned during the audit period.

Findings

Each (100%) of the 57 officers assigned to OVB NED had completed the required Confidential Financial Disclosure.

OTHER RELATED MATTER

In the course of this audit, it was found that North Hollywood, Foothill, and Topanga Areas did not adequately document anonymous sources of information. The Department Informant Manual, Section 2/280, requires that when information is received from an anonymous source, as much detail as possible should be provided when documenting the identity of said source in the appropriate report (e.g. arrest report, DAL, SDR); in addition, the anonymous source’s refusal to provide identifying information shall also be documented. Each Area was advised by IAID staff of the aforementioned requirement and has taken the necessary actions to correctly document their use of anonymous sources of information.

CONCLUSION

This is the second time that an OVB NED CAPA has been conducted. The first OVB NED CAPA was conducted in 2011. A review of the findings from the previous audit revealed that the Department has made marginal improvement in areas pertaining to timely completion of SBAs and Employee Comment Sheets. Based on the current audit findings, improvement is still warranted in areas directly attributed to conscientious supervisory oversight and review of Search Warrant Packages including Tactical Plan Reports and Arrests Reports and associated documents.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Internal Audits and Inspections Division presented the CAPA report to the C/O, OVB, and the Director, Office of Operations, both of whom were in general agreement with the findings.

ADDENDUM

INTRADEPARTMENTAL CORRESPONDENCE

May 30, 2014

1.7

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, Operations-Valley Bureau

SUBJECT: RESPONSE TO NARCOTIC ENFORCEMENT DETAIL COMMAND
ACCOUNTABILITY PERFORMANCE AUDIT REPORT

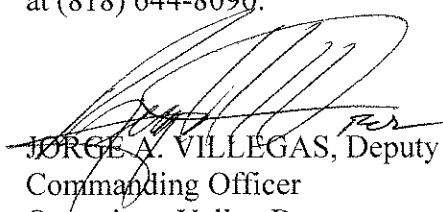
Operations-Valley Bureau (OVB) has reviewed the findings of the OVB Narcotic Enforcement Detail (NED) Command Accountability Performance Audit (CAPA) report for the Third Quarter, Fiscal Year 2014/14. In response to the CAPA findings, the OVB Bureau Gang Coordinator (BGC) has developed a strategic plan of action to address the bureau's deficiencies.

First, a revisit of the established NED checklists that covers the objectives that were deficient. The checklists will be given to the Areas which will serve to support officers and supervisors in the thorough completion and oversight of all the objectives. Additionally, special attention will be given to the Admonition of Rights, Completeness of the Warrant Tracking Log, Supervisor Approval of search/Ramey Warrant Package, Completion of Required Employee Comment Sheets, Adherence to other Significant Policies and Procedures, Consistency of Information, Completion of Standards Based Assessments, Narcotics Enforcement Detail Officer and Supervisory Roles.

Second, the OVB BGC conducts monthly Gang Impact Team (GIT) Officer-in-Charge (OIC) meetings and maintains daily contact with GIT personnel at each of the 7 Areas. All findings of the NED CAPA will be discussed at our next scheduled GIT OIC's meeting on June 5, 2014. The BGC will also include the objectives that were deficient in future OVB inspections.

Third, all OVB GIT OIC's attended a mandatory training day on May 8, 2014, in which the objectives mentioned above were covered during this training. Additionally, an auditor from Internal Audits and Inspections Division attended and provided training. The purpose of this training was to gain insight into IAID's auditing methods, and best practices, so as to mirror the areas covered during Department formal audits. In replicating the audit methods, it is hopeful that the areas of deficiency that may have been missed in the past will be identified and remedied monthly. Lastly, the NED CAPA Audit was discussed at the all Commanding Officers meeting on May 28, 2014.

Should you have any questions regarding this matter, please call Lieutenant Ronald Dickerson, OVB, at (818) 644-8090.



JORGE A. VILLEGAS, Deputy Chief
Commanding Officer
Operations-Valley Bureau