

INTRADEPARTMENTAL CORRESPONDENCE

November 5, 2015

14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OPERATIONS – SOUTH BUREAU NARCOTICS ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT
(AD NO. 14-064)

RECOMMENDED ACTIONS

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

DISCUSSION

Audit Division conducted the OSB NED CAPA to evaluate adherence with related Department directives.

If additional information regarding this inspection is required, please contact Arif Alikhan, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT
*OPERATIONS-SOUTH BUREAU
NARCOTICS ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE
AUDIT*

(AD No. 14-064)



Conducted by
AUDIT DIVISION

CHARLIE BECK
Chief of Police

October 2015

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EXECUTIVE SUMMARY
OPERATIONS-SOUTH BUREAU NARCOTICS ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT

Conducted by
Audit Division
First Quarter, Fiscal Year 2014/15

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit and Inspection Plan for fiscal year 2014/15, Audit Division (AD) conducted the Operations-South Bureau (OSB) 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 OSB NED CAPA performed by AD. The audit included an evaluation of NEDs' operating procedures and work product, which included: Arrest Report Packages, Search/Ramey Warrant Packages, Detective Activity Logs (DALs), Sergeant's Daily Reports (SDRs), Form 15.48.00, Standards Based Assessments Lieutenants and Below, Form 01.87.00 (SBAs) and Confidential Financial Disclosure Reports, Form 01.74.01. 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 six objectives which addressed 14 specific areas. The Department had 100 percent compliance in four of the 14 areas;

- Evaluation of Arrest Reports; Articulation of reasonable suspicion and probable cause to arrest
- Evaluation of Arrest Reports; Articulation of search and seizure
- Evaluation of Search/Ramey Warrant Packages-Magistrate approval of search/Ramey warrants
- Adherence to Confidential Financial Disclosure Requirement

An 80 percent or higher compliance was achieved in four of the ten remaining areas. The specific areas are detailed below:

- Evaluation of Arrest Reports-Admonition of Miranda Rights: 96 percent compliance
- Evaluation of Search/Ramey Warrant Packages-Supervisor approval of Search/Ramey Warrant Packages: 87 percent compliance
- Evaluation of Search/Ramey Warrant Packages-Adherence to other significant policies and procedures: 87 percent compliance
- Consistency of Arrest Report and Search/Ramey Warrant Packages-95 percent compliance.

In the remaining six areas, the Department had 79 percent or below compliance. The below findings were administrative in nature and would not impact the successful prosecution of the case:

- Evaluation of Search/Ramey Warrant Packages-Completeness of Warrant Tracking Logs: 50 percent compliance
- Evaluation of Search/Ramey Warrant Packages-Completion of required Employee Comment Sheets: 55 percent compliance
- Evaluation of Search/Ramey Warrant Packages-Evaluation of Confidential Informants: 67 percent compliance.
- Completion of SBAs: 79 percent compliance.
- Evaluation of NEDs' Documentation of Investigative Activities - Officer's thorough and accurate completion of DALs: 59 percent compliance
- Evaluation of NEDs' Documentation of Investigative Activities - Supervisor's thorough and accurate completion of SDRs: 50 percent compliance

CONCLUSION

The first OSB NED CAPA was performed in 2012. A review of the findings from the prior audit revealed that the Department decreased in compliance rates pertaining to the Evaluation of Search/Ramey Warrant Packages. The specific areas are detailed below:

- Completeness of the Warrant Tracking Log
- Completion of Required Employee Comment Sheets
- Evaluation of Confidential Informants

In addition, the Department's compliance rates in the areas of NED documentation of investigative activities did not meet the standard. The specific areas are detailed below:¹

- Officer's accurate and thorough completion of DALs
- Supervisor's accurate and thorough completion of SDRs

The aforementioned administrative findings pertain to the accurate and thorough completion of Department forms. It appears that with additional supervisory scrutiny these administrative omissions and/or discrepancies would likely be resolved.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Audit Division presented the CAPA report and findings to the Director, Office of Operations, and Commanding Officer, OSB, both whom were in general agreement with the findings.

¹Audit Division did not evaluate NEDs documentation of investigative activities during the prior audit subsequently no comparison can be made.

**OPERATIONS-SOUTH BUREAU NARCOTICS ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT
Conducted by Audit Division
First Quarter, Fiscal Year 2014/15**

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit and Inspection Plan for fiscal year 2014/15, Audit Division (AD) conducted the Operations-South Bureau (OSB) Narcotics Enforcement Detail (NED) Command Accountability Performance Audit (CAPA). The NED CAPAs are performed to determine if the internal controls within each geographic 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.

Audit 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. Audit Division has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

Audit 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 OSB. The prior OSB NED CAPA was performed in July 2012.

METHODOLOGY

Scope

The audit included an evaluation of Arrest Reports, Form 05.02.00, and associated documents, Search/Ramey Warrant packages, Standards Based Assessments Lieutenant and Below (SBAs), Form 01.87.00, NED investigations, Sergeant's Daily Reports (SDRs), Form 15.48.00, Detective's Activity Logs (DALs), and Confidential Financial Disclosure Reports, Form 01.74.01.

The period reviewed was April 1 to June 30, 2014. The audit steps employed are further delineated under each audit objective.

Fieldwork

The fieldwork was performed between August 21 and September 12, 2014.

Audit Division provided the Commanding Officer (C/O), OSB, with 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

Objective No.	Description of Audit Objective	2012/13 Totals	2014/15 Totals
1	Evaluation of Arrest Reports		
1(a)	Articulation of Reasonable Suspicion and Probable Cause to Arrest	53/53 (100%)	49/49 (100%)
1(b)	Articulation of Search and Seizure	53/53 (100%)	49/49 (100%)
1(c)	Admonition of Miranda Rights	50/53 (94%)	47/49 (96%)
2	Evaluation of Search/Ramey Warrant Packages		
2(a)	Magistrate Approved the Search/Ramey Warrant	24/24 (100%)	31/31 (100%)
2(b)	Completeness of the Warrant Tracking Log	8/9 (89%)	6/12 (50%)
2(c)	Supervisor Approval of Search/Ramey Warrant Packages	24/24 (100%)	27/31 (87%)
2(d)	Completion of Required Employee Comment Sheets	16/24 (67%)	17/31 (55%)
2(e)	Adherence to other Significant Policies and Procedures	21/24 (88%)	27/31 (87%)
2(f)	Evaluation of Confidential Informants ¹	10/10 (100%)	4/6 (67%)
3	Consistency of Arrest Report and Search/Ramey Warrant Packages		
3	Consistency of Arrest Report and Search/Ramey Warrant Packages	18/34 (53%)	76/80 (95%)
4	Completion of Standards Based Assessments		
4	Completion of Standards Based Assessments	24/37 (65%)	30/38 (79%)
5	Evaluation of Narcotics Enforcement Details Documentation of Investigative Activities²		
5(a)	Officers' thorough and accurate completion of DALs	N/A	29/49 (59%)
5(b)	Supervisors' thorough and accurate completion of SDRs	N/A	22/44 (50%)
6	Adherence to Confidential Financial Disclosure Requirements		
6	Adherence to Confidential Financial Disclosure Requirements	37/37 (100%)	38/38 (100%)

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

²Objective 5 was not measured in the 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 OSB 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 deviation from Department policies and procedures.

Audit Division identified 49 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 49 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.*"