

INTRADEPARTMENTAL CORRESPONDENCE

July 24, 2015
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: WEST VALLEY AREA DETECTIVE COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT (AD NO. 15-001)

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners REVIEW and APPROVE the attached West Valley Area Detective Command Accountability Performance Audit.
2. That the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

The Detective Command Accountability Performance Audits (CAPAs) are intended to assess different operations and functions conducted within a specific Detective Division and provide timely and useful feedback to Detective Division Commanding Officers (C/Os) regarding these operations and functions. The areas evaluated include detective work product, search and Ramey warrants, case clearances, case categorization, supervisory roles as well as an evaluation of the division's felony warrant files.

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

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT

*WEST VALLEY AREA DETECTIVE
DIVISION COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT
(AD No. 15-001)*



Conducted by

AUDIT DIVISION

CHARLIE BECK
Chief of Police

July 2015

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**EXECUTIVE SUMMARY
WEST VALLEY AREA DETECTIVE
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT**
Conducted by
Audit Division
Fiscal Year 2014/15

PURPOSE

The Detective Command Accountability Performance Audit (CAPA) was designed by Audit Division (AD) to determine adherence with Department standards and identify best practices for Detective divisions and bureaus. This audit is intended to be used as a management tool to provide timely and useful feedback to Detective Division commanding officers related to specific detective procedures.

PRIOR AUDITS

No prior Detective CAPAs have been conducted within West Valley Area by AD.

SUMMARY OF FINDINGS

The most frequent findings that did not meet the standards were identified within the following objectives:

- Objective No. 1(b) – Evaluation of Search/Ramey Warrants; and,
- Objective No. 4(a) – Evaluation of Supervisory Bypass/Referrals.

Table – Summary of Audit Findings

Objective No.	Description	Total Reviewed	Total Meeting Standards	Total Percentage Meeting Standards
1. Evaluation of Detective Work Product				
1(a)	Evaluation of Case Envelopes/Murder Books	19	18	95%
1(b)	Evaluation of Search/Ramey Warrants	5	2	40%
2. Evaluation of Case Clearances				
2(a)	Evaluation of Unfounded Cases	13	13	100%
2(b)	Evaluation of Cases Cleared-Other	66	62	94%
2(c)	Evaluation of Multiple Case Clearances	10	10	100%
3. Evaluation of Case Categorization		85	84	99%
4. Evaluation of Supervisory Roles				
4(a)	Evaluation of Supervisory Bypass/Referrals	20	11	55%
4(b)	Evaluation of Supervisory Releases	0	0	N/A ¹
5. Evaluation of the Detective Division's Felony Warrant Files		61	55	90%

¹There were no Supervisory Releases conducted during the audit period.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Audit Division discussed the audit report with the Commanding Officer, West Valley Area, who indicated general agreement with the audit findings. West Valley Area subsequently submitted a response detailing a list of corrective actions taken, which was reviewed and approved by the Commanding Officer, Operations-Valley Bureau.

The audit report was also submitted to the Chief of Detectives, and the Assistant to the Director, Office of Operations, who were both in general agreement with the audit findings.

**WEST VALLEY AREA DETECTIVE
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT**
Conducted by
Audit Division
Fiscal Year 2014/15

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year 2014/15, Audit Division conducted the West Valley Area Detective Command Accountability Performance Audit (CAPA). The Detective CAPAs are performed to identify best practices and to determine a Detective Section's adherence with Department policies and procedures. This audit is intended to be used as a management tool to provide timely and useful feedback to the West Valley Area Commanding Officer (C/O) related to specific detective procedures.

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 the 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

The purpose of the detective function is to investigate crimes documented on reports and identify, arrest, and assist with the prosecution of law violators. Additionally, the Department makes every reasonable effort to recover property, to identify its rightful owner, and ensure its prompt return. Each of the Department's geographic Areas has a Detective Section consisting of a variety of investigative tables.

West Valley Area Detective Section consists of the following investigative tables:

- Autos;
- Burglary;
- Crimes Against Persons (CAPS);
- Homicide;
- Juvenile;
- Major Assault Crimes (MAC);
- Robbery; and,
- Sexual Assault.

PRIOR AUDITS

No prior Detective CAPAs have been conducted within West Valley Area.

METHODOLOGY

Scope

The audit included the review of Detective Initiated Arrests (DIAs)/reports, Form 05.01.02, and associated documents, Investigative Reports, Form 03.01.00, Follow-up Investigation reports, Form 03.14.00, Search/Ramey Warrant packages and Detective Division's Warrant Files. All reports were reviewed for supervisory and detective roles.

The audit period was August 2014. If a detective table had no reports during the audit period, auditors attempted to obtain additional reports from the prior two months (June and July 2014). However, if a table was not listed, it meant there were no reports identified, or there were no findings to report.¹ The audit steps employed are further delineated under each audit objective.

Fieldwork

Fieldwork was performed between October 7, 2014, and December 29, 2014.

SUMMARY OF FINDINGS

Summary of Audit Findings

Objective No.	Description	Total Reviewed	Total Meeting Standards	Total Percentage Meeting Standards
1. Evaluation of Detective Work Product				
1(a)	Evaluation of Case Envelopes	19	18	95%
1(b)	Evaluation of Search/Ramey Warrants	5	2	40%
2. Evaluation of Case Clearances				
2(a)	Evaluation of Unfounded Cases	13	13	100%
2(b)	Evaluation of Cases Cleared Other	66	62	94%
2(c)	Evaluation of Multiple Case Clearances	10	10	100%
3. Evaluation of Case Categorization		85	84	99%
4. Evaluation of Supervisory Roles				
4(a)	Evaluation of Supervisory Bypass/Referrals	20	11	55%
4(b)	Evaluation of Supervisory Releases	0	N/A	N/A ²
5. Evaluation of the Detective Section's Felony Warrant Files		61	55	90%

¹This methodology was utilized for all of the objectives and sub-objectives, with the exception of Objective No. 5.

²There were no Supervisory Releases conducted during the audit period.

DETAILED FINDINGS

Objective No. 1 – Evaluation of Detective Work Product

This objective included the review of DIAs/reports and search/Ramey warrants authored by detectives.

Objective No. 1 (a) – Evaluation of Case Envelopes

Criteria

Each Detective Case Envelope was examined for the following:

Legality of Arrest

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, and 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.”*

Approval of Reports

Department Manual Section 5/030.60, Approval of Reports, states, *“All reports which require approval shall be checked and approved by a concerned supervisor for propriety, essential information, clarity, and legibility. When available, or in complex arrests requiring additional review, the investigative supervisor giving booking advice shall review all related reports for required content and place his/her initials and serial number at the conclusion of the narrative portion of each report.”*

Medical Treatment of Unbooked Arrestees

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.”*

Legality of Any Search Conducted

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.

Use of Miranda

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;”*

Purpose of Investigator’s Final Report

Detective Operations Manual *Volume I, Section 310.00 Use of Form*, states, *“The Investigator’s Final Report, Form 5.10 is the Department form used to record booking disposition and arrestee personal data/background information. Obtaining accurate information may aid officers in future investigations to locate suspects, associates and witnesses.”*

Detective Operations Manual *Volume I, Section 310.10, Timeliness*, states *“A Form 5.10 shall be initiated during the booking process or as soon as practical after information requiring its initiation has been learned. A Form 5.10 shall be completed immediately when a complaint is obtained or refused, the charge is released or the arrestee is released to another law enforcement agency. Once completed, the Form 5.10 shall be submitted immediately for approval and distribution.”*

Supervisor Reviewing of Investigator’s Final Report

Detective Operations Manual *Volume I, Section 355.08, Supervisor Reviewing*, states, *“The detective supervisor shall record their signature and serial number in this box after ensuring that all available information is properly recorded on both sides (Pages 1 and 2) of the form. After approval, the detective supervisor shall ensure that the Form 5.10 is distributed without delay.”*

Juvenile Arrest Procedures

Department Manual Section 4/218.60, Approval for Juvenile Bookings, states, *“Prior to obtaining booking approval, the arresting officer shall:*

- *Attach a completed Juvenile Arrest Supplemental Report, Form 05.02.06, to the Arrest Report, Form 05.02.00, as the next to the last numbered page of the Arrest Report;*
- *If the juvenile is to be detained, include the reason for detention on the Form 05.02.06; and,*

- *Obtain a copy of the Juvenile Automated Index printout as the last numbered page of the Arrest Report.*

Booking approval for all juvenile bookings shall only be obtained from the Area watch commander or the Watch Commander, Metropolitan Jail Section, Jail Division.

Advice for a juvenile booking shall be obtained from the concerned Area Detective Division. When that division is closed, the concerned Area watch commander shall be contacted."

Department Manual Section 4/658.17, Telephone Calls – Juvenile in Custody, states, "Immediately after being taken to a place of confinement except where physically impossible, no later than one hour after he/she has been taken into custody, the minor shall be advised that he/she has the right to make at least two telephone calls from the place where he/she is being held, one call completed to his /her parents or guardian, a responsible relative, or his/her employer, **and** another call to an Attorney."

Manual of Juvenile Procedures Section 1795, states, "All calls made by juvenile arrestees shall be documented. The notation shall include the date and time, and the name and telephone number of the person called. The notation shall be made on the related report and, if the juvenile is detained in a facility of another department, on the required entrance form. If no other reports are made, the information shall be recorded on a Field Interview Report, Form 15.43."

Booking of Evidence

Department Manual Section 4/645.20, Property taken from an Arrestee, states, "Property which has been taken from the possession of an arrestee shall be accounted for as follows:

Evidence: Property taken from an arrestee which has, or may have, evidential value shall be booked as Evidence. A Receipt for Property Taken into Custody, Form 10.10.00, shall 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.

*The **original** of the Form 10.10.00 must be included as a page of the original Property Report, Form 10.01.00; Release from Custody Continuation (RFC) Report Continuation, Form 05.02.08; or Arrest Report, Form 05.02.00, when evidence to be booked is listed."*

Audit Procedures

Auditors reviewed Detective Case Envelopes completed for cases involving DIAs. Documents reviewed included Arrest Reports and associated documents completed by West Valley Area detectives during the audit period. The Detective Case Envelopes and arrests were evaluated to determine whether they were properly completed, contained all of the required documentation, and if all policies and procedures established in the Department Manual and Detective Operations Manual were met.

Audit Division identified 19 Case Envelopes (five each from the Auto and Burglary tables, three each from the Juvenile and MAC tables, two from the Sex Assault table and one from the CAPS table). A copy of each Case Envelope was obtained directly from West Valley Area Detective Section.

Findings

Eighteen (95%) of the 19 cases met the standards for this objective. The one case that did not meet the standard is detailed below:

Autos Table

- *Booking No. 4054676* – The Arrest Face Sheet indicates admonition of rights on page three was given by the investigating officer (I/O). The I/O interviewed the defendant, who waived her rights but none of the responses were documented.

Objective No. 1 (b) – Evaluation of Search/Ramey Warrants

Criteria

Each Search/Ramey Warrant package was examined for the following:

Search/Ramey Warrant Procedures

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;

District Attorney's Office County of Los Angeles Search Warrant Manual, Chapter X Service of the Search Warrant, Time Limit for Execution of Search Warrant, states, *In calculating the 10 days, the day of warrant is signed is "day zero" and the entire next day is day one. Saturdays, Sundays, and holidays are included in the counting of days.*

Audit Procedures

This audit objective included the review of search/Ramey warrant packages completed during the audit period. A review of Warrant Tracking Logs (WTL), Form 08.17.05, revealed there were five search/Ramey warrants served during the audit period where a West Valley Area detective was the affiant. The search warrant packages were reviewed to determine if the following Department policies and procedures found in the Search Warrant Manual as well as Department Manual 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 Department 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.

Findings

Two (40%) of the five search/Ramey warrants met the standards for this objective. The three that did not meet the standard are detailed below.

Burglary Table

- *Search Warrant No. 14V0262* – The concerned supervisor did not place his/her initials and serial number on the lower right hand corner of the third page of the copy of the affidavit as required.
- *Search Warrant No. 14V0281* – The search warrant was signed by the judge on August 28, 2014, and returned on September 9, 2014. The Affiant has ten days to execute the warrant,

and have the judge sign the Return to Search Warrant. The return was signed on the 12th day. Therefore, the search warrant was returned late.

Homicide Table

- *Search Warrant No. 14V0314* – The search warrant was signed by the judge on August 28, 2014, and returned on September 30, 2014. The Return to Search Warrant was signed by the judge on the 33rd day. Therefore, the search warrant was returned late.

Objective No. 2 – Evaluation of Case Clearances

West Valley Area cases that were Unfounded, Cleared Other, or Multiple Case Clearances, were reviewed for completeness, proper documentation of the clearance, and to determine if the clearance was appropriate based on Department policies and procedures.

Objective No. 2 (a) – Evaluation of Unfounded Cases

Criteria

Detective Operations Manual *Volume I, Section 152.30*, Report Unfounded, states, “*Report Unfounded shall be indicated when:*

- *The crime or incident alleged in the original report did not occur, or did not occur (e.g., victim recants) in the City of Los Angeles.*
- *The same crime or incident has been reported more than once. (The most accurate and thorough crime report shall be retained. Any additional report should be unfounded.*
- *“Specific intent” is a necessary element of the original crime, and the District Attorney, City Attorney or detective supervisor determines that investigators have failed to prove that specific intent exists.*

Note: *If the incident, absent the element of specific intent, is still a crime, the original report shall be reclassified to that crime.”*

Audit Procedures

This objective included the review of Unfounded cases completed by Detectives during the audit period. Unfounded cases were evaluated to determine whether the classification was appropriate per Department policies and procedures.

Audit Division identified 13 Unfounded cases.

Findings

All (100%) of the thirteen cases reviewed met the standards for the stated objective.

Objective No. 2 (b) – Evaluation of Cases Cleared Other

Criteria

Each Cleared Other report was examined for the following:

Cleared Other

Detective Operations Manual *Volume I, Section 152.20*, Cleared Other, states, “Cleared Other shall be indicated when a case has progressed to a point where further action cannot be reasonably taken and **all four** of the following circumstances exist:

- *The identity of the perpetrator has definitely been established, and*
- *A location at which the perpetrator could be arrested now is known to the detective, and*
- *There is sufficient, admissible information and/or evidence to support and arrest, the filing of a complaint based on the offense(s) under investigation, and submission of the case to a court for prosecution, and*
- *The reason further action cannot be taken is outside of police control based on the examples in DOM Volume I, Section 152.21 through 152.24.*

Note: *Sufficient, admissible information and/or evidence to support the filing of a complaint means that there is a strong and reasonable expectation that the arrestee would be convicted in a trial. This determination is to be made within the Department.*”

Audit Procedures

This objective included the review of Cleared Other cases completed by detectives during the audit period. Cleared Other cases were evaluated to determine whether the classification was appropriate per Department policy and procedures.

Audit Division identified a total of 66 Cleared Other cases.

Findings

Sixty-two (94%) of the 66 cases identified met the standards for this objective. The four cases that did not meet the standard are detailed below.

CAPS Table

- *DR No. 1410-11110 – The Follow-Up Investigation, indicates a possible suspect. According to the Follow-Up Investigation, “she appears to be the suspect, but as the victim’s mother and the witness will not contact police to continue the investigation, no further steps at this time can be taken and the case should be closed.” The requirement to identify the perpetrator in this investigation had not been met, therefore the case should have been classified as “Investigation Continued.”*

MAC Table

- *DR No. 1410-12049* – The Follow-Up Investigation indicates the suspect's address as 1942 transient. No additional information was provided indicating an address/location where the suspect could be arrested. Also, the suspect was in custody; for an unrelated incident. Without a current address/location for the suspect, this case did not meet the criteria for Cleared Other, and should have been classified as "Investigation Continued."

Robbery Table

- *DR No. 1410-11906* – The Follow-Up Investigation narrative indicates that both the victim and suspect are homeless and the I/O had no contact information. Without a current location for the suspect, this case did not meet the criteria for Cleared Other, and should have been classified as "Investigation Continued."

Sexual Assault Table

- *DR No. 1410-10748* – The Follow-Up Investigation is missing or has not been completed.

Objective No. 2 (c) – Evaluation of Multiple Case Clearances

Criteria

Each Multiple case clearance report was examined for the following:

General completion instructions – Follow-Up to Multiple Reports.

Detective Operations Manual *Volume I, Section 161.00*, Upper Portion of Form (follow-up to multiple reports), states, "*When the Form 3.14 is being used as a multiple follow-up report, the upper portion shall be completed in the following manner:*

- *The **MULTIPLE** box shall be checked.*
- *Record the date the Form 3.14 is completed and submitted for approval.*
- *DR numbers shall be listed in ascending order under the appropriate case status. Record the Master DR number in the **DR** box. [The Master DR number is the oldest one, considering all the numbers.]*

Note: *When listing DR numbers in ascending order, both the year and the Area digits shall be considered. When evaluating the year(s) of the DR number, assume all four digits are present (e.g., 1999)."*

Detective Operations Manual *Volume I, Section 164.00*, Middle Portion of Form (follow-up to multiple reports), states, "*On this portion of the form (**DATE OCCURRED** through **LA OR BKG. NO.**), only the suspect information boxes are used when completing a multiple follow-up report."*

Detective Operations Manual *Volume I, Section 165.00*, Narrative Portion of Form (follow-up to multiple reports), states, "Use the first part of the narrative to record additional suspect information."

Detective Operations Manual *Volume I, Section 165.10*, Multiple Report Format, states, "When the multiple format is being used for more than one case status:

- Those crime reports "Cleared by Arrest" shall be listed first under the heading **CLEARED BY ARREST** in DR number sequence.
- Those crime reports "Cleared Other" shall be listed second under the heading **CLEARED OTHER** in DR number sequence.
- Those reports "Unfounded" shall be listed third under the heading **UNFOUNDED** in DR number sequence.
- Those reports classified, as "Investigation Continued" shall be listed last under the heading **INVESTIGATION CONTINUED** in DR number sequence.

NOTE: When more than one report bears the same DR number, **all** reports must be the same case status. This includes both crime and non-crime reports."

Detective Operations Manual *Volume I, Section 165.20*, Summary of Crime Clearances and/or Investigations, states, "A summary of the detective's investigation shall follow the multiple format. Each crime report (DR) number) cleared shall be addressed. Clearances based on MO or a confession must be corroborated by including the specific admission and/or corroborating evidence required to justify each particular clearance. (refer: **DOM Volume I, Sections 152.25 and 152.26 for requirements for clearance based on MO and confession**).

Each crime may be addressed by a separate narrative or all crimes may be addressed by one all-inclusive narrative. The choice is within the discretion of the Area detective division or specialized detective division commanding officer, but each crime cleared must be addressed.

Detective Operations Manual *Volume I, Section 170.00*, Distribution, states, "After review and approval by a detective supervisor, the Follow-up Investigation, Form 3.14, shall be distributed immediately. It **shall not** be held."

Audit Procedures

This objective included the review of Multiple Case Clearances completed by detectives during the audit period. Multiple Case Clearances were evaluated to determine whether the classification was appropriate per Department policies and procedures. Audit Division identified nine Multiple Case Clearances.

Findings

All (100%) of the nine cases reviewed met the standards for the objective.

Objective No. 3 – Evaluation of Case Categorization

Criteria

Each Category Two case was examined for the following:

Case Categorization

Detective Operations Manual *Volume I, Section 121.00*, Case Categorization, states, “*All reports assigned to detectives are categorized into one of two categories to focus attention on those cases, which are more serious and/or solvable than others. To determine whether a report falls within Category One or Two, a detective supervisor **shall** review the original report and any accompanying reports for specific circumstances or significant facts which may demand further investigation and/or may lead to solving the crime. When making a determination, the detective supervisor should consider, but not be limited to the following:*

- *Suspect's Identity*
 - *Named suspect (including moniker) or associate*
 - *Physical evidence that could identify suspect*
 - *Possible address or location which the suspect frequents*
 - *Victim/witness could possibly identify suspect from a live or photographic show-up*
- *Vehicle*
 - *License number and/or vehicle description*
- *Seriousness of the Crime*
 - *Death or injury to victim/witness*
 - *Degree of potential hazard to the victim, witness and/or public*
 - *Sex crime involved*
 - *Weapon, force or threat used*
- *Property*
 - *Amount of property loss (amount is at commanding officer's discretion)*
 - *Serialized firearm*
 - *Other serialized articles*
 - *Uniquely described articles*
- *Investigative Knowledge*
 - *Major crime patterns (MO)*
 - *MOs of known suspect's*

With the exception of the circumstances listed in DOM Volume I, Sections 121.01 through 121.02, the presence or absence of any of the above does not mean the case shall automatically be assigned to a particular category.

The detective supervisor shall exercise discretion when determining the appropriate category based upon experience, expertise and the chance that the crime may be solved.

Detective Operations Manual Volume I, Section 121.03, Category Two-No Mandatory Victim Contact by Detectives, states, "This category shall include all cases, which are not assigned to Category One. Detectives shall investigate Category Two cases only when all Category One cases have been handled. Category Two cases shall be reviewed by the detective supervisor, maintained in the appropriate detective's work folder and reviewed by the assigned detective to ensure knowledge of crime trends. Detectives are **not** required to routinely contact Category Two victims."

Audit Procedures

This objective included the review of Category Two cases completed by detectives during the audit period. Category Two cases were evaluated to determine whether the classification was appropriate per Department policies and procedures.

Audit Division identified 85 Category Two cases.

Findings

Eighty-four (99%) of the 85 cases identified met the standards for this objective. The one case that did not meet the standard is detailed below.

CAPS Table

- *DR No. 1410-13438* – The Investigative Report narrative for assault with a deadly weapon indicates the suspect is the victim's brother-in-law. The report further provides the suspect's name and address even though an apartment number was not listed. It's important for a follow-up investigation to be completed as the victim received medical treatment for a two inch laceration. This case should have been classified as "Category One."

Objective No. 4 – Evaluation of Supervisory Roles

Auditors reviewed all identified 17(b)(4) Penal Code (PC) Supervisory Bypass/Referrals, 849 (b)(1)PC and 825 PC Supervisory Releases. These cases were reviewed to ensure they were appropriate based on Department policies and procedures.

Objective No. 4 (a) – Evaluation of Supervisory Bypass/Referrals

Criteria

Each Supervisory Bypass/Referrals case was examined for the following:

Referrals to the City Attorney's Office

Department Manual Section, 4/720.36, 17(b)(4) Penal Code, Referrals to the City Attorney's Office, states, "Due to procedural changes implemented by the new Inter-Agency Operational Agreement between the Office of the Los Angeles County District Attorney, the Office of the Los Angeles City Attorney, and the Los Angeles County Prosecutors Association, the aforementioned entities have developed new guidelines for Penal Code (PC) Section 17(b)(4) referrals outlined in the Inter-Agency Operational Agreement, 17(b)(4) Referrals, Schedule I Under the agreement, the 17(b)(4) PC bypass cases listed on Schedule I also known as "wobblers," shall be referred directly to the CA for filing, provided they meet the criteria listed on the schedule. All other wobblers not listed on the schedule shall be reviewed by the DA and accompanied by a Los Angeles County District Attorney Charge Evaluation Worksheet when being presented to the CA for filing consideration.

Unless otherwise defined in Schedule I of this agreement, any wobbler presented for review by a filing investigator to a CA or a City prosecutor without a CEW from the DA's Office will be immediately referred to the DA's Office for felony filing consideration.

Wobbler cases involving allegations of police misconduct shall be immediately forwarded by the investigating law enforcement agency to the DA's Office."

Audit Procedures

This objective included the review of arrests in which 17(b)(4) PC, Supervisory Bypass/Referrals were utilized by Detectives during the audit period. "Supervisory Bypass/Referral" cases were evaluated to determine whether supervisors followed the Supervisory Bypass/Referrals procedures per Department policies and procedures.

Audit Division identified 20 Supervisory Bypass/Referral cases.

Findings

Eleven (55%) of the twenty 17 (b)(4) PC, Supervisory Bypass/Referrals met the standards for this objective. The nine cases that did not meet the standard are detailed below.

Burglary Table

- *Booking No. 4043267* – The case involved an arrest for Burglary/Shoplifting. A Criminal History Inquiry of the arrestee indicated one prior misdemeanor conviction for petty theft within the last five years. This charge did not qualify for a direct referral to the City Attorney's Office. Therefore, the case should have been initially presented to the Los Angeles County District Attorney's Office for filing consideration.

CAPS Table

- *Booking No. 4049280* – The case involved an arrest for Criminal Threats. A Criminal History Inquiry of the arrestee indicated one prior felony conviction. This charge did not qualify for a direct referral to the City Attorney's Office. Therefore, this case should have been initially presented to the Los Angeles County District Attorney's Office for filing consideration.
- *Booking No. 4028500* – The case involved an arrest for Criminal Threats. A Criminal History Inquiry of the arrestee indicated one prior felony conviction. This charge did not qualify for a direct referral to the City Attorney's Office. Therefore, this case should have been initially presented to the Los Angeles County District Attorney's Office for filing consideration. Also, the Investigator's Final Report, Form 05.10.00, did not have the name or serial number of the supervisor in the Supervisor Bypass/Reject Approval section.
- *Booking No. 4020103* – The case involved an arrest for Stalking. This charge did not qualify for a direct referral to the City Attorney's Office. Therefore, this case should have been initially presented to the Los Angeles County District Attorney's Office for filing consideration.

Robbery Table

- *Booking No. 4050335* – The case involved an arrest for Possession of Dirk. This charge did not qualify for a direct referral to the City Attorney's Office. Therefore, this case should have been initially presented to the Los Angeles County District Attorney's Office for filing consideration.
- *Booking No. 4038701* – The case involved an arrest for Possession of Dirk and Dagger. This charge did not qualify for a direct referral to the City Attorney's Office. Therefore, this case should have been initially presented to the Los Angeles County District Attorney's Office for filing consideration.
- *Booking No. 4075060* – The case involved an arrest for Possession of Metal Knuckles. This charge did not qualify for a direct referral to the City Attorney's Office. Therefore, this case should have been initially presented to the Los Angeles County District Attorney's Office for filing consideration.
- *Booking Nos. 4026537, 3994111* – Both cases involved an arrest for Possession of a Billy Club. This charge did not qualify for a direct referral to the City Attorney's Office. Therefore, these cases should have been initially presented to the Los Angeles County District Attorney's Office for filing consideration.

Objective No. 4 (b) – Evaluation of Supervisory Releases

This objective included the review of arrests in which 825 PC or 849(b)(1) PC, Supervisory Releases, were utilized by Detectives during the audit period. Evaluation of Supervisory

Releases cases were evaluated to determine whether the classification was appropriate per Department policy and procedures.

There were no 825 PC or 849(b)(1) PC Supervisory Releases identified for the audit period.

Objective No. 5 – Evaluation of the Detective Section’s Felony Warrant Files

Criteria

Each Felony Warrant file was examined for the following:

Warrant Packages

Detective Operations Manual *Volume II, Section 1300.15*, Warrant Packages, states, “*The warrant package should be submitted to a detective supervisor within ten working days after the warrant has been issued. The Detective’s Case Envelope, Form 15.15, serves as the warrant package. The face of the envelope shall contain:*

- *Suspect’s full name*
- *DR number*
- *Date of birth*
- *Charge*
- *Detective’s name and serial number*

The contents shall include but are not limited to:

- *Document Sign Out Log, Form 15.31*
- *Follow-up Investigation, Form 3.14*
- *All teletypes received or sent*
- *CII Criminal History Summary and other computerized records (rap sheet)*
- *Crime report(s)*
- *Copies of all other police reports pertaining to the case(s)*
- *Warrant Information, Form 8.48*
- *Photograph of the suspect if available*
- *A copy of the Warrant Detail Summary*
- *A copy of the Official Police Bulletin, if requested, and a copy of the Request for Police Bulletin, Form 15.32*

NOTE: *When the warrant is served and the suspect is booked, the “Cancellation” box on the copy of the Request for Police Bulletin, Form 15.32, shall be marked in **RED** and the date of arrest and booking number shall be entered in the narrative portion of the form in **RED**. This copy shall be forwarded to Investigative Analysis Section to cancel the Official Police Bulletin.*

- *Due Diligence Investigation Checklist, Form 12.24”*

Detective Operations Manual *Volume II, Section 1300.16*, Warrant Package Control, states, "*Area detective division and specialized detective division commanding officers shall establish an adequate system and control to ensure accountability for maintenance of warrant packages.*"

Audit Procedures

This objective included the review of Detective Section's felony warrant files. Detective Section's felony warrant files were evaluated to determine whether the files contained all required documents and/or documents completed properly per Department policies and procedures.

Audit Division utilized the Fugitive Warrant Section website to obtain the most recent list of felony arrest warrant packages which were required to be maintained by detectives. Auditors identified 161 felony arrest warrant packages.

A random sample of 61 felony arrest warrant packages was selected. The sample was calculated by using a one-tail test with a 95 percent confidence level with a four percent error rate, making the sample statistically valid.

Findings

Fifty-five (90%) of the 61 warrant packages met the standards for this objective. The six that did not meet the standards are detailed below.

Six warrant packages (*Warrant Nos. – LAVLA07964001, LAVLA07913201, LACBA40845301, LAVLA00584303, LAVLA07758301, and LAVLA07911601*) could not be located in the West Valley Area Detective Section warrant files, and a Document Sign-out Log, Form 15.31.00, was not present at the time auditors evaluated this objective.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Audit Division discussed the audit report with the C/O, West Valley Area, who indicated general agreement with the audit findings. West Valley Area subsequently submitted a response documenting each finding and provided a detailed list of corrective actions taken, which was reviewed and approved by the C/O, Operations-Valley Bureau.

The audit report was also submitted to the Chief of Detectives, and the Assistant to the Director, Office of Operations, who were both in general agreement with the audit findings.

INTRADEPARTMENTAL CORRESPONDENCE

February 27, 2015

7.5

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, West Valley Area

SUBJECT: WEST VALLEY AREA DETECTIVE COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT

West Valley Area received and reviewed the Detective Command Accountability Performance Audit (CAPA) report completed by Internal Audits and Inspections Division (IAID). There were three areas of concern identified during the audit: Evaluation of Search/Ramey Warrants, Evaluation of Supervisory Bypass/Referrals and Evaluation of Detective Section's Felony Warrant files.

West Valley Area reviewed the IAID findings as they related to Section 1(b) the evaluation of Search/Ramey Warrants and noted that the sample pool consisted of five Search/Ramey Warrant packages audited for compliance. Of the five packages audited, three of the packages failed to meet the standard set by IAID. Further in depth review revealed that one of the three packages failed because the initials and serial number were missing from a single page of the search warrant. The initials were placed on all other pages of the search warrant as required and all other aspects of this case package were deemed in compliance. The employee completing the warrant was counseled regarding the importance of having every page initialed to assure complete compliance with Department procedures.

The other two Search/Ramey warrant packages failed as they were not returned within the mandated 10-day period. The first package was two days late. This was an oversight by the responsible detective and he was counseled to pay closer attention to the return dates for all search warrants. The second package was for business records and was returned several weeks later after the business records were finally acquired. In this last instance, the affiant for the search warrant forgot to include standard language requesting an extension of the 10 day period due to the fact that he was requesting business records. He was later provided training on the importance of this issue.

As noted above, each of these errors were immediately addressed with the involved employee. In addition, a copy of these findings was given to all West Valley Area detective personnel and training will be provided to all West Valley Area detectives at the next squad meeting to avoid any further reoccurrences.

The second area of concern examined by West Valley Area was Section 4(a) the Evaluation of Supervisory Bypass/Referrals. Of the 20 cases reviewed, nine were found to be outside the required guidelines. West Valley Area reviewed the findings and noted that four of the nine cases were clearly outside of the required guidelines as noted by IAID. West Valley Area detectives were counseled to follow the Department and District Attorney's Office requirement for using a supervisory bypass. They were provided copies of Chief of Detectives Notice, October 13, 2011, Special Order 17, 2011, and the Inter-Agency Operational Agreement revised as of September 1, 2011.

The five remaining cases were similar in nature in that all involved arrests for possession of a prohibited weapon: two arrests for dirk/dagger, one for brass knuckles and two for possession of a Billy Club.

While we agree that these five cases did not meet the Department standard for a supervisory bypass, we noted that there was a discrepancy between the current California (CA) Penal Code and the controlling Inter-Agency Operational Agreement with regards to booking sections for prohibited weapons. Prior to January 1, 2012, the suspects in the five cases in question would have been booked for CA Penal Code §12020 which covered the possession of prohibited weapons. A review of the Inter-Agency Operational Agreement revealed that CA Penal Code §12020 is one of the charges that a supervisor is allowed to approve a bypass directly to the City Attorney's Office if the required criteria is met. Under the "old" CA Penal Section, all five of these cases would have been deemed appropriately bypassed and in compliance.

Because all five of the cases in question occurred after January 1, 2012, the suspects were booked for the "new" Penal Code Sections which replaced CA Penal Code §12020. However, while the Penal Code Section numbers changed, the Inter-Agency Operational Agreement with regards to weapons violations has not been updated to reflect those changes. We concur with IAID that these five case were "inappropriately bypassed" if evaluated strictly by the proverbial letter of the law. However, West Valley Area believes the "spirit" of section §12020 remains and that any charge that would meet the criteria established for §12020 under the "old" Penal Code still meets the criteria for a supervisory bypass. All five of these cases meet that criteria and would not have been found out of compliance had the Inter-Agency Agreement been updated to keep pace with the Penal Code changes. In the meantime, West Valley Area detectives have been counseled to strictly adhere to the Inter-Agency Operational Agreement until this issue is officially resolved.

Finally, West Valley Area evaluated the findings as they related to Section 5, the Evaluation of the Detectives Section's Felony Warrant Files. IAID audited 61 packages and found six packages not to be in the files. West Valley Area conducted an inspection of the felony warrant files and discovered that the six warrant packages in question had not been properly signed out by Department personnel. The warrant packages were located and either the package was returned or a sign out sheet was inserted in its place. As a result of the IAID evaluation, West Valley Area is conducting a comprehensive audit of the Felony Warrant Files to assure that every package is accounted for and, if necessary, a sign out sheet is inserted in its place documenting who is in possession of the case package.

In addition, West Valley Area will provide training at the next detective squad meeting on the importance of completing a sign out sheet when removing a package. The current practices of locking and securing the packages was evaluated by the Commanding Officer of West Valley Area and the packages were found to be securely stored.


West Valley Area is dedicated to the Core Value of Quality Through Continuous Improvement and welcomes these opportunities to update and evaluate our current detective systems. If you have any questions, please contact Lieutenant Jason Zabel, Acting Commanding Officer, West Valley Area Detective Division, at (818) 374-7710.



JOHN F. EGAN, Captain
Commanding Officer
West Valley Area

Attachments

REVIEWED:



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