

INTRADEPARTMENTAL CORRESPONDENCE

February 25, 2016
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: GANG ENFORCEMENT DETAIL COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT (AD NO. 15-014)

RECOMMENDED ACTIONS

1. The Board of Police Commissioners REVIEW and APPROVE the attached Gang Enforcement Detail Command Accountability Performance Audit.
2. The Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

The Gang Enforcement Detail (GED) Command Accountability Performance audits are intended to be used as a management tool to provide feedback to commanding officers related to Area/bureau GED/Community Law Enforcement Recovery work product and supervision.

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

*GANG ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT*

(AD No. 15-014)



Conducted by
AUDIT DIVISION

CHARLIE BECK
Chief of Police

February 2016

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**EXECUTIVE SUMMARY
GANG ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT
Conducted by
Audit Division
Fourth Quarter, Fiscal Year 2014/15**

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year 2014/15, Audit Division (AD) conducted the Gang Enforcement Detail (GED) Command Accountability Performance Audit (CAPA) to evaluate compliance with Department policies and procedures. The CAPA included a review of the processes pertaining to the legalities of the arrests while adhering to Department policies and procedures.

BACKGROUND

This was the first Citywide GED CAPA to be conducted by AD. Previous CAPAs were performed by the bureau for each Area, and a report was issued to each bureau commanding officer (CO).

METHODOLOGY

The following audit objectives were identified and tested for adherence to Department policy and procedures.

- 1) Consistency of Information
- 2) Legality of Underlying Actions
- 3) Conformance with Department Procedures
- 4) Supervisory Oversight
- 5) Documentation of Current Financial Disclosure Filings
- 6) Search/Ramey Warrants

Audit Division randomly selected a statistically valid sample of 96 Arrest Reports, 94 Gang Enforcement Detail-Supervisor's Daily Reports, 273 Standards Based Assessments, Lieutenant and Below, 273 Confidential Financial Disclosure Reports, and 30 Search/Ramey Warrants.

The audit did not identify any high-risk deficiencies that would negatively affect the Department or the citizens it serves.

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Summary of Findings

Objective No.	Audit Objectives	Number Meeting Standards	Number Examined	Percentage Meeting Standards
1. Consistency of Information				
1	Consistency of Information	96	96	100%
2. Legality of Underlying Actions				
2(a)	Articulation of Reasonable Suspicion for Detention	96	96	100%
2(b)	Articulation of Probable Cause to Arrest	96	96	100%
2(c)	Articulation of Legal Basis for Search	94	96	98%
2(d)	Articulation of Legal Basis for Seizure	88	88	100%
2(e)	Execution of Miranda Rights	88	90	98%
3. Conformance with Department Procedures				
3(a)	Documentation of Miranda Responses	90	90	100%
3(b)	Recovery, Disposition, and Handling of Property/Evidence	87	88	99%
3(c)	Issuance of Receipt for Property Taken Into Custody	87	88	99%
3(d)	Detention Logs	96	96	100%
4. Supervisory Oversight				
4(a)	Booking Approval	96	96	100%
4(b)	Gang Enforcement Detail-Supervisor's Daily Report	94	94	100%
4(c)	Standards Based Assessment	273	273	100%
5. Documentation of Current Financial Disclosure Filings				
5	Documentation of Current Financial Disclosure Filings	273	273	100%
6. Search/Ramey Warrants				
6(a)	Legality of Execution of the Search Warrant	30	30	100%
6(b)	Warrant Served/Returned within the Required Time	30	30	100%
6(c)	Pre-Incident Review	30	30	100%
6(d)	Applicable Incident	30	30	100%
6(e)	Post-Incident Review	30	30	100%
6(f)	Accuracy and Completeness of the Warrant Tracking Log	30	30	100%
6(g)	Warrant Tracking Log Approved within the Required Time	30	30	100%
6(h)	Evaluation of Each At-Scene Supervisor	30	30	100%
6(i)	Completeness of the Employee Comment Sheet	30	30	100%
6(j)	Employee Comment Sheet Completed within the Required Time	30	30	100%

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Audit Division presented the Audit report to each bureau and the Area COs, who were in agreement with the findings.

**GANG ENFORCEMENT DETAIL
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT
Conducted by
Audit Division
Fourth Quarter, Fiscal Year 2014/15**

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year 2014/15, Audit Division (AD) conducted the Gang Enforcement Detail (GED), Command Accountability Performance Audit (CAPA) to evaluate compliance with Department policies and procedures. The CAPA included a review of the processes pertaining to the legalities of the arrests while adhering to Department policies and procedures.

Audit Division conducted this audit under the guidance of Generally Accepted Government Auditing Standards,¹ 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 our audit objectives.

BACKGROUND

This is the first Citywide GED CAPA to be conducted by AD. Previous CAPAs were performed by bureau for each Area, and a report was issued to each bureau commanding officer (CO).

METHODOLOGY

A data run of arrests was obtained from Application Development and Support Division for Deployment Period Nos. 6, 2014 through 13, 2014 (May 18, 2014, through December 27, 2014), resulting in a population of 1,438 arrests. The following arrests were then deselected, as they did not meet the testing criteria.

- All Los Angeles Municipal Code violations;
- All outside agencies; and,
- Any booking without an arrest report narrative.

Audit Division randomly selected a statistically valid sample of 96 arrest report packages from the resulting population. The sample was proportionally stratified based on the division of occurrence. Arrest reports and associated detention logs were reviewed for the arrest packages.

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¹U.S. Government Accountability Office, Generally Accepted Government Auditing Standards, December 2011 Revision.

Summary of Findings

Objective No.	Audit Objectives	Number meeting Standards	Number Examined	Percentage Meeting Standards
1. Consistency of Information				
1	Consistency of Information	96	96	100%
2. Legality of Underlying Actions				
2(a)	Articulation of Reasonable Suspicion for Detention	96	96	100%
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2(c)	Articulation of Legal Basis for Search	94	96	98%
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3(a)	Documentation of Miranda Responses	90	90	100%
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4(a)	Booking Approval	96	96	100%
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6(a)	Legality of Execution of the Search Warrant	30	30	100%
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6(d)	Applicable Incident	30	30	100%
6(e)	Post-Incident Review	30	30	100%
6(f)	Accuracy and Completeness of the Warrant Tracking Log	30	30	100%
6(g)	Warrant Tracking Log Approved within the Required Time	30	30	100%
6(h)	Evaluation of Each At-Scene Supervisor	30	30	100%
6(i)	Completeness of the Employee Comment Sheet	30	30	100%
6(j)	Employee Comment Sheet Completed within the Required Time	30	30	100%

DETAILED FINDINGS

Objective No. 1 – Consistency of Information

Criteria

Department Manual Section 4/216.02, Advice/Approval on Misdemeanor Bookings, states, *“Additionally, the watch commander or supervisor shall examine the reports for authenticity by ensuring that the reports do not contain any “canned” language, inconsistent information, or fail to articulate the legal basis for the action, or any indication that the information in the report is not authentic or correct.”*

Audit Procedures

Each arrest package was examined for significant inconsistent information contained in the Arrest Report, Form 05.02.00, and associated documents. Significant inconsistent information was defined as inconsistencies that would impact the investigation. Documents reviewed were the Arrest Report, Property Report, Form 10.01.00, Receipt for Property Taken into Custody, Form 10.10.00, Booking Approval, Form 12.31.00, and Probable Cause Determination. Arrest packages that did not contain significant inconsistent information in any report or associated document met the standard for this objective.

Findings

Each (100%) of the 96 arrest packages met the standard for this objective.

Objective No. 2 – Legality of Underlying Actions

The legality of underlying actions documented in the arrest packages was evaluated under Objective Nos. 2 (a-e).

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

Criteria

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

“Reasonable Suspicion for Detention” was measured by the standards described in the California Peace Officers Legal Sourcebook as “A set of specific and articulable facts that lead an officer to

reasonably believe that a crime is occurring, is about to occur, or has occurred, and that the person detained is connected to that activity which is criminal in nature.”

Audit Procedures

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

Findings

Each (100%) of the 96 arrest packages met the standard for this objective.

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

Criteria

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

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

Audit Procedures

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

Findings

Each (100%) of the 96 arrest reports met the standard for this objective.

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

Criteria

Department Manual Section 4/217, Searches of Suspects and Arrestees, states, *“When the rules of search and seizure permit, an arrestee shall be thoroughly searched as soon as practicable. Such searches shall be conducted by an employee of the arrestee's sex. However, an immediate*

search may be conducted in the field by an officer of either sex when necessitated by specific circumstances, such as a reasonable belief that:

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

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

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

Audit Procedures

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

All 96 arrests involved investigative searches and were assessed in this objective. Arrest packages that articulated the search authority met the standard for this objective.

Findings

Ninety-four (98%) of the 96 arrest packages met the standard for this objective. The Department did not meet the standard for the following arrest packages:

Newton Area

Divisional Record No. 1413-00653 – The Booking Approval indicated a search was conducted with negative results. However, it did not indicate the type of search authorized and was not signed by the watch commander (WC).

Foothill Area

Divisional Record No. 1416-01480 – The Booking Approval search authorization section was not signed by the WC.

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

Criteria

Department Manual Section 1/240.05, Respect for Constitutional Rights, states, *“No person has a constitutional right to violate the law; neither may any person be deprived of his/her constitutional rights merely because he/she is suspected of having committed a crime. The task of*

determining the constitutionality of a statute lies with an appellate court of proper jurisdiction, not with an officer who seeks to properly enforce the law as it exists. Therefore, an officer may enforce any federal, state, or local statute which is valid on its face without fear of abrogating the constitutional rights of the person violating that statute. An officer who lawfully acts within the scope of his/her authority does not deprive persons of their civil liberties. The officer may within the scope of his/her authority make reasonable inquiries, conduct investigations, and arrest on probable cause. However, when an officer exceeds his/her authority by unreasonable conduct, the officer violates the sanctity of the law which he/she is sworn to uphold."

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

Audit Procedures

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

Of the 96 searches that were examined in Objective No. 2(c), 88 involved seizures of property/evidence. Arrest packages that articulated the legal justification for the seizure met the standard for this objective.

Findings

Each (100%) of the 88 arrest packages met the standard for this objective.

Objective No. 2(e) – Execution of Miranda Rights

Criteria

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

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

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

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

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

Audit Procedures

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

Arrest packages that contained no evidence of Miranda Rights violations met the standard for this objective. Of the 96 arrest packages, 90 arrestees were admonished. The 90 arrest packages were assessed for this objective.

Findings

Eighty-eight (98%) of the 90 arrest packages met the standard for this objective. The Department did not meet the standard for the following arrest packages:

Hollenbeck Area

Divisional Record No. 1404-17180 – The Miranda response in the arrest report is different than Arrest Supplemental Report.

Newton Area

Divisional Record No. 1413-17770 – The Miranda response in the Statement Form is different than the Juvenile Supplemental Report.

Objective No. 3 – Conformance with Department Procedures

Conformance with Department procedures as documented in the arrest reports was evaluated under Objective Nos. 3 (a-d).

Objective No. 3(a) – Documentation of Miranda Responses

Criteria

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

- *Officers shall read the Miranda admonition verbatim as delineated in the Officer's Notebook, Form 15.03.00;*
- Note: Courtroom testimony shall also reflect that the Miranda admonition was read verbatim to the suspect.*
- *Officers shall document the suspect's responses to the Miranda admonition in the appropriate report";*

Audit Procedures

Each arrest report was examined to determine whether the arrestee's responses to each of the Miranda admonition questions were documented as required.

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

Of the 96 arrestees, 90 were admonished, and those arrest reports were assessed in this objective.

Findings

Each (100%) of the 90 arrest packages met the standard for this objective.

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

Criteria

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

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

Audit Procedures

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

Of the 96 arrest packages examined, 88 indicated that property/evidence was processed. Arrest packages indicating that evidence, excess personal property, and/or non-evidence in accordance with Department policy, met the standard for this objective.

Findings

Eighty-seven (99%) of the 88 arrest packages met the standard for this objective. The Department did not meet the standard for the following arrest package:

Southwest Area

Divisional Record No. 1403-01039 – The Property Report, and the Receipt for Property Taken into Custody, did not match.

Objective No. 3(c) – Issuance of Receipt for Property Taken into Custody

Criteria

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

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

Audit Procedures

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

Of the 88 arrest packages where property was recovered or seized, 88 required the issuance of a Receipt for Property Taken into Custody.

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

Findings

Eighty-seven (99%) of the 88 arrest packages met the standard for this objective. The Department did not meet the standard for the following arrest package:

Newton Area

Divisional Record No. 1413-00655 – There was no documentation that a Receipt for Property Taken into Custody was issued.

Objective No. 3(d) – Detention Logs

Criteria

Department Manual Section 4/216, Taking Persons into Custody, states, *“All persons detained or arrested and transported to a Department facility shall be brought before a watch commander for an inspection and interview.”*

“Area Station. Any officer, from any command, that arrives at a Community Police Station with a person detained or arrested shall immediately ensure that the person is visually inspected and interviewed by the Watch Commander.”

Audit Procedures

Adult Detention Logs, Form 06.19.00, were examined to determine if the arrestee was immediately brought before a WC for inspection. Detention logs that indicated the arrestee was documented on the detention log and brought before a WC for inspection met the standard for this objective.

Findings

Each of the 96 detention logs met the standard for this objective.

Objective No. 4 – Supervisory Oversight

Supervisory oversight was evaluated under Objective Nos. 4 (a-c).

Objective No. 4(a) – Booking Approval

Criteria

Department Manual Section 4/216.01, Advice/Approval on Felony Bookings, states, *“Booking approval for any arrest shall only be obtained from an Area patrol watch commander or the Watch Commander, Metropolitan Jail Section, Jail Division. When providing booking approval, the watch commander shall review each arrest for appropriateness, legality, and conformance with Department policy and procedure. When booking is approved, the watch commander shall complete the Booking Approval, Form 12.31.00, and sign his/her name and serial number in the “APPROVING WATCH COMMANDER” section of the form.”*

Audit Procedures

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

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

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

Findings

Each (100%) of the 96 arrest packages met the standard for this objective.

Objective No. 4(b) – Gang Enforcement Detail – Supervisor’s Daily Report

Criteria

Gang Enforcement Detail – Supervisor’s Daily Report Field Notebook Divider, Form 18.49.01, states, “General Rules, The Gang Enforcement Detail – Supervisor’s Daily Report (GED-SDR), is used to capture oversight activities completed by a GED supervisor on a daily basis as listed below:

- **SUPERVISOR REPORTING:**
The last name and first name of the supervisor completing the report.
- **SERIAL NO.:**
The serial number of the supervisor completing the report.
- **DIVISION:**
The divisional Area of the watch assignment.
- **DATE:**
The date for which you will be credited for having worked.
- **DAY OF THE WEEK:**
The day of the week that corresponds to the date.
- **SIGNATURE OF REPORTING SUPERVISOR:**
Signature of the supervisor completing the report.
- **SIGNATURE OF OFFICER IN CHARGE:**
Signature of the Gang Impact Team Officer in Charge.
- **SIGNATURE OF COMMANDING OFFICER:**
Signature of the commanding officer of the Area of the watch assignment.
- **WATCH COMMANDER NOTIFIED OF GED’S END OF WATCH:**
The on duty watch commander who was notified when the GED goes end of watch shall sign and date the GED-SDR.”

Audit Procedures

On the dates when an arrest was made by a GED unit, AD collected the GED-SDRs to determine if one was submitted, if it was complete and had the proper supervisory oversight/approval.

Findings

Each (100%) of the 94 documents reviewed met the standards for this objective.

Objective No. 4(c) – Standards Based Assessments

Criteria

Department Manual Section 3/760.20, A Standards Based Assessment – Lieutenants and Below, states, *“All sworn employees at the rank of lieutenant and below will be rated annually during the month that they were appointed to their current rank, regardless of their pay grade. For example, the months of a police officer’s date of hire remains his/hers rating month until he/she is promoted to detective or sergeant, then the month of promotion becomes the new rating month for the employee.”*

Audit Procedures

The Standards Based Assessments for GED officers assigned during the audit period were reviewed for timely completion.

Findings

Each (100%) of the 273 documents reviewed, met the standard for this objective

Objective No. 5 – Documentation of Current Financial Disclosure Filings

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), Audit 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

Audit Division met with the Financial Disclosure Coordinator to determine if a Confidential Financial Disclosure Report was completed for the 273 GED officers assigned during the audit period.

Findings

Each (100%) of the 273 officers assigned to GED had completed the required Confidential Financial Disclosure Report.

Objective No. 6 – Search/Ramey Warrants

Search/Ramey warrants were evaluated under Objective Nos. 6 (a-j).

Objective No. 6(a) – Legality of Execution of the Search Warrant

Criteria

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

Audit Procedures

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

Findings

Each (100%) of the 30 search warrant packages met the standards for this objective.

Objective No. 6(b) – Warrant Served/Returned within the Required Time

Criteria

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

personnel. Department personnel shall follow these guidelines when preparing, obtaining, serving, and returning a search warrant."

Audit Procedures

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

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

Findings

Each (100%) of the 30 warrant packages met the standards for this objective.

Objective No. 6(c) – Pre-incident Review

Criteria

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

Audit Procedures

Each warrant application and affidavit was reviewed to determine:

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

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

Findings

Each (100%) of the 30 search warrant packages met the standards for this objective.

Objective No. 6(d) – Applicable Incident

Criteria

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

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

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

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

Audit Procedures

The Warrant Service/Tactical Plan Reports were reviewed and reports that contained indications that appropriate levels of supervision were present at the warrant service location(s), met the standards for this objective.

Findings

Each (100%) of the 30 packages reviewed met the standards for this objective.

Objective No. 6(e) – Post-Incident Review

Criteria

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

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

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

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

- *A summary of pre/post search conditions (page six)”;*
- *“Documented confirmation that a debriefing with involved personnel was conducted no later than the next working day after the warrant service (page seven); and,*
- *A summary of the debriefing no later than the next working day after the warrant service.”*

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

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

Audit Procedures

The warrant packages were reviewed to determine the following:

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

Warrant packages that documented the above criteria met the standards for this objective.

Findings

Each (100%) of the 30 packages reviewed met the standards for this objective.

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

Criteria

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

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

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

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

Audit Procedures

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

Findings

Each (100%) of the 30 Warrant Tracking Logs reviewed met the standards for this objective.

Objective No. 6(g) –Warrant Tracking Log Approved within the Required Time

Criteria

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

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

- *Maintain a single location for the Warrant Tracking Logs for his/her command in the Area detectives or specialized division office;*
- *Ensure the presence of the affiant at the service of a FLIR warrant;*
- *Ensure the presence of a supervisor (Sergeant I, Detective II, or higher), if necessary, during the execution of a search or Ramey warrant;*

***Note:** The presence of a lieutenant or above is required for search or Ramey warrants initiated by any uniformed gang enforcement-related specialized detail or any warrants where uniformed gang enforcement officers act as affiants. However, a lieutenant or above is not required for warrants using uniformed gang enforcement personnel in a support capacity only. Additionally, a supervisor need not be present for the service of a FLIR warrant.*

- *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; and,*

***Note:** The return date may not be available to be entered into the return date box of the final printout of the Warrant Tracking Log if the warrant was served on or near the end of the month. Should this be the case, the investigating officer shall print the return date on the original printout signed by the CO and shall ensure that this date matches the date entered into the DCTS. **The Warrant Tracking Log shall not be reprinted.** The commanding officer shall initial and date the return dates (that were later added to the Warrant Tracking Log). The monthly printout of the Warrant Tracking Log shall still be submitted to the CO for his or her signature, despite the missing return date. When the warrant is returned, the investigating officer shall retrieve the original signed Warrant Tracking Log and print the return date where applicable. The commanding officer must acknowledge the updated information by initialing and dating by the added return date.”*

Audit Procedures

Warrant Tracking Logs listing the respective GED warrants were obtained from the 21 geographic Areas. These were reviewed to determine if they were appropriately approved by the CO or designee within the required time. Warrant Tracking Logs that contained the required approval signature or were approved ten calendar days after the end of the month, met the standards for this objective.

Findings

Each (100%) of the 30 Warrant Tracking Logs reviewed met the standards for this objective.

Objective No. 6(h) – Evaluation of each At-Scene Supervisor

Criteria

Department policy states that COs shall complete a detailed analysis of the supervisor's performance at the warrant service with the use of an Employee Comment Sheet, Form 01.77.00.

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

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

Audit Procedures

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

Findings

Each (100%) of the 30 warrant packages met the standards for this objective.

Objective No. 6(i) – Completeness of the Employee Comment Sheet

Criteria

Department policy states that COs shall complete a detailed analysis of the supervisor's performance at the warrant service. The documentation shall address the issues listed in Manual Section below.

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

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

Audit Procedures

The warrant packages were reviewed to determine the completion of an Employee Comment Sheet for the supervisor at-scene by the CO. The package met the standards if the CO provided adequate analysis of the supervisor’s at-scene performance by addressing, at a minimum, the seven specific issues listed within the Special Order.

Each Employee Comment Sheet was reviewed to determine the following:

- 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;
- Evaluate the performance of the designated supervisor(s) at each warrant location;
- Any other information deemed by the CO to be pertinent to the designated supervisor’s performance; and,
- That the CO signed and dated the completed Employee Comment Sheet.

Findings

Each (100%) of the 30 Warrant Tracking Logs reviewed met the standards for this objective.

Objective No. 6(j) – Employee Comment Sheet Completed within the Required Time

Criteria

Department policy states that COs shall complete a timely analysis of the supervisor’s performance at the warrant service. Department Manual Section 4/742.10 requires the CO to issue the Employee Comment Sheet within seven business days.

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

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

Audit Procedures

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

Each (100%) of the 30 warrant packages met the standards for this objective.

RECOMMENDATIONS

None.

ACTIONS TAKEN/MANAGEMENT’S RESPONSE

Audit Division presented the Audit report to each bureau and the Area COs, who were in agreement with the findings.