

## INTRADEPARTMENTAL CORRESPONDENCE

February 19, 2016  
14.2

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

**FROM:** Chief of Police

**SUBJECT:** RESTRAINING AND PROTECTIVE ORDER AUDIT (AD NO. 15-022)

### RECOMMENDED ACTIONS

1. The Board of Police Commissioners REVIEW and APPROVE the attached Restraining and Protective Order Audit.
2. The Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

### DISCUSSION

Audit Division conducted the Restraining and Protective Order Audit to evaluate adherence to Department directives, policies, and procedures, as well as other established criteria set forth by State and federal guidelines.

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  
*RESTRAINING AND PROTECTIVE ORDER  
AUDIT*

*(AD No. 15-022)*



Conducted by  
AUDIT DIVISION

CHARLIE BECK  
Chief of Police

*February 2016*

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# RESTRAINING AND PROTECTIVE ORDER AUDIT

Conducted by

Audit Division

Third 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 Restraining and Protective Order Audit. The audit was performed to determine if the internal controls within each geographic Area and Records and Identification (R&I) Division are effective to ensure adherence with Department policies and procedures, as well as other established criteria set forth by State and federal guidelines.

Audit Division conducted this performance audit under the guidance of generally accepted government auditing standards, specifically pertaining to performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. Audit Division has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

## BACKGROUND

A Restraining Order is defined as a legal order issued against an individual to restrict or prohibit access or proximity to another specified individual.<sup>1</sup> A Protective Order is a court order, direction, decree, or command to protect a person from further harassment, Service of Process, or discovery.<sup>2</sup>

The California Restraining and Protective Order System (CARPOS) is a pointer system that contains restraining and protective order information on individuals who are the subject of a court order and entered by California law enforcement agencies.<sup>3</sup>

The California Department of Justice (DOJ) and the Federal Bureau of Investigation's National Crime Information Center (NCIC) have established policies, standards, and regulations to ensure the integrity of all information stored within their electronic databases. The DOJ is responsible for conducting field audits of agencies that maintain information in the NCIC and within California's Criminal Justice Information System (CJIS). In 2009, and again in 2013, the DOJ conducted an audit of the Department's entries into CARPOS. The DOJ findings revealed that improvements were still needed in the areas of accuracy, completeness and validation.

The Department responded to the results of the DOJ audits by taking actions to improve the procedures utilized when entering data into CARPOS. Audit Division has been entrusted to address risk management issues, assess operations, and provide timely information to Department management regarding compliance with Department and DOJ standards regarding file management and data entry. Both Restraining and Protective Orders were reviewed in conjunction with the audit.

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<sup>1</sup>[www.courts.ca.gov/1260.htm](http://www.courts.ca.gov/1260.htm)

<sup>2</sup>West's Encyclopedia of American Law, Edition 2. Copyright 2008, The Gale Group, Inc.

<sup>3</sup>California Law Enforcement Telecommunications System (CLETS) Full Access Operator Workbook, July 2011.

## **PRIOR AUDITS**

This is the first Restraining and Protective Order Audit conducted by AD.

Note: The DOJ conducted an audit in 2013 that was restricted to R&I Division. The results of the audit conducted by the DOJ determined that the Department was out of compliance for NCIC/CJIS second party checks and validation requirements. Currently, the Department does not validate its CARPOS entries made into the DOJ system. Therefore, AD did not include those validation standards for this audit.

## **METHODOLOGY**

### **Scope**

The audit included an evaluation of Restraining/Protective Orders filed in the Department's Restraining/Protective Order case files, geographic Area's Restraining Order Control Logs, Form 15.40.00, and printouts of each respective order's CARPOS entry. The aforementioned documents were reviewed for accuracy and completeness.

Audit Division determined there were 14,791 active Restraining/Protective Orders credited to the Department by the DOJ as of November 20, 2014. A random sample of 163 active Restraining/Protective Orders were identified for this audit. The audit steps employed are further delineated in each audit objective.

### **Fieldwork**

The fieldwork was performed between December 3, 2014, and December 24, 2014.

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**SUMMARY OF FINDINGS**

**Table – Summary of the Audit Findings**

<b>Objective No.</b>	<b>Description of Audit Objective</b>	<b>Total meeting the Standards</b>	<b>Total Reviewed</b>	<b>Percentage Meeting Standards</b>
<b>1</b>	<b>Evaluation of Restraining and Protective Order Protocols</b>			
1(a)	Restraining and Protective Order Documented on a Control Log	78	132	59%
1(b)	Restraining and Protective Order Maintained at the Area/Division	160	163	98%
1(c)	Restraining and Protective Order Authentication Protocols	159	159	100%
<b>2</b>	<b>Evaluation of Quality and Integrity of CARPOS Entries</b>			
2(a)	CARPOS Printout Attached to the Restraining and Protective Order	147	159	92%
2(b)	Accurate and Complete Data Input into CARPOS	107	159	67%
2(c)	Second Party Check Performed	141	159	89%

**DETAILED FINDINGS**

**Objective No. 1 – Evaluation of Restraining and Protective Order Protocols**

This objective included the review of Restraining/Protective Orders filed with each geographic Area and R&I Division. Each Restraining/Protective Order was reviewed to determine if the order was entered on the Restraining Order Control Log, was properly maintained and filed, bore an ink stamp signed by the deputy clerk of the court documenting authenticity, and the order had been marked to indicate a Second Party Check occurred at the time of entry.<sup>4</sup>

**Objective No. 1(a) – Restraining and Protective Order Documented on a Control Log**

**Criteria**

Department Manual Section 4/216.03, Restraining Orders, states, “*Desk Officers receiving notification of an order not on file with this Department will record the information on the Restraining Order Control Log.*”

In addition, Department Manual Section 4/216.06, Distribution and Control of Restraining Orders, states, “*Area Subpoena Control Officer’s Responsibilities, Upon receipt of a restraining order, proof of service, and the Information Form, Area Subpoena Control Officers must*”:

<sup>4</sup>According to the NCIC 2000 Operating Manual, inputting agencies must complete Second Party Checks on all entries and subsequent modifications in order to ensure accurateness and thoroughness.

- *“Maintain a Restraining Order Control Log, Form 15.40.00, of valid orders on file”;*

### **Audit Procedures**

Audit Division reviewed 132 corresponding Restraining Order Control Logs from geographic Areas to verify the Restraining/Protective Orders were accurately documented.<sup>5</sup>

The Restraining Order Control Logs, which contained the correct names of the involved parties, the court case number, and issue/expiration dates, met the standards for this objective.

### **Findings**

Seventy-eight (59%) of the 132 Restraining/Protective Orders were accurately documented on a Restraining Order Control Log. Four of the geographic Areas did not maintain a Restraining Order Control Log at the time of the audit. The 54 Restraining/Protective Orders that did not meet the standards are detailed as follows.

#### Rampart Area

- File Control Numbers (FCN) 2741203200995 and FCN 2741309800237 – The Restraining Order Control Logs were reviewed; however, AD was unable to locate the corresponding entries.

#### Harbor Area

- At the time of the audit, Harbor Area did not maintain a Restraining Order Control Log; therefore, AD was unable to review the 20 required entries.

#### Hollywood Area

- At the time of the audit, Hollywood Area did not maintain a Restraining Order Control Log; therefore, AD was unable to review the four required entries.

#### Wilshire Area

- FCN 2741011801256 – The Restraining Order Control Log was reviewed; however, AD was unable to locate the corresponding entry.

#### Van Nuys Area

- At the time of the audit, Van Nuys Area did not maintain a Restraining Order Control Log; therefore, AD was unable to review the six required entries.

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<sup>5</sup>The Department Manual does not address the responsibility for R&I Division to maintain a Restraining Order Control Log. Presently there are no Desk Officers assigned to the division; therefore, R&I Division was not assessed for Objective I(a).

Northeast Area

- At the time of the audit, Northeast Area did not maintain a Restraining Order Control Log; therefore, AD was unable to review the eight required entries.

77<sup>th</sup> Street Area

- FCNs 2741404300420, 2741227000212, and 2741420401162 – The Restraining Order Control Logs were reviewed; however, AD was unable to locate the corresponding entries.

Pacific Area

- FCN 2741203000406 – The Restraining Order Control Log was reviewed; however, AD was unable to locate the corresponding entry.

North Hollywood Area

- FCNs 2741318500261, 2741319800870, 2741322800109, and 2741203200500 – The Restraining Order Control Logs were reviewed; however, AD was unable to locate the corresponding entries.

Devonshire Area

- FCNs 2741429601199 and 2741313800204 – The Restraining Order Control Logs were reviewed; however, AD was unable to locate the corresponding entries.

Southeast Area

- FCN 2741421000771 – The Restraining Order Control Log was reviewed; however, AD was unable to locate the corresponding entry.

Mission Area

- FCN 2741402900856 – The Restraining Order Control Log was reviewed; however, AD was unable to locate the corresponding entry.

Topanga Area

- FCN 2741236600076 – The Restraining Order Log was reviewed; however, AD was unable to locate the corresponding entry.

*Note: The four geographical areas, which previously did not maintain Restraining Order Control Logs, have since taken corrective measures to ensure Restraining Order Control Logs are maintained and readily accessible.*



**Objective No. 1(b) – Restraining and Protective Order Maintained at the Area/Division**

**Criteria**

Department Manual Section 4/216.06, Distribution and Control of Restraining Orders, states, “*Area Subpoena Control Officer’s Responsibilities Upon receipt of a restraining order, proof of service, and the Information Form, Area Subpoena Control Officer’s Responsibilities must*”:

- “*Establish a file of restraining orders in a location accessible to uniformed desk personnel*”;

**Audit Procedures**

Audit Division visited each geographic Area, and R&I Division, to determine if a copy of the Restraining/Protective Order was on file.

**Findings**

One hundred sixty (98%) of the 163 Restraining/Protective Orders met the standards for this objective. The three Restraining/Protective Orders that did not meet the standards are detailed below.

77<sup>th</sup> Street Area

- FCNs 2741227000212 and 2741420401162 – AD could not locate copies of the Restraining/Protective Orders in the Area’s file; however, the Restraining/Protective Orders were entered into CARPOS.

Devonshire Area

- FCN 2741429601199 – AD could not locate a copy of the Restraining/Protective Order in the Area’s file; however, the order was entered into CARPOS.

Harbor Area

- FCN 2741403000409 – A copy of the original court document could not be located in the file system; however, the order was input into CARPOS.

**Objective No. 1(c) – Restraining and Protective Order Authentication Protocols**

**Criteria**

Department Manual Section 4/216.03, Restraining Orders, states, “***Complainant in Possession of a Restraining Order.*** *When officers are presented with a Restraining Order in the field or at the Area desk, they must:*

- *Verify that the order has been certified by the issuing court;*

*Note: A certified copy of an order will bear an ink stamp signed by the deputy clerk of the court documenting authenticity."*

### **Audit Procedures**

Each Restraining/Protective Order at the geographic Areas and R&I Division was reviewed to determine if it bore an ink stamp signed by the deputy clerk of the court.

### **Findings**

Each (100%) of the 159 Restraining/Protective Orders met the standards for this objective.<sup>6</sup>

### **Objective No. 2 – Evaluation of Quality and Integrity of CARPOS Entries**

This objective reviewed the Department's use of CARPOS and the validity, accuracy, and completeness of entries.

### **Objective No. 2(a) – CARPOS Printout Attached to the Restraining and Protective Order**

#### **Criteria**

The Department's 2014 Warrant Teletype Manual, page 79, instructs Records Clerks to print out the CARPOS entry upon completion of entering the data, and attach it to the restraining/protective order.

#### **Audit Procedures**

Each Restraining/Protective Order file was reviewed to determine if a CARPOS printout was attached.<sup>7</sup>

#### **Findings**

One hundred forty-seven (92%) of 159 Restraining/Protective Orders met the standards. The 12 Restraining/Protective Orders that did not have a CARPOS printout attached are listed below.

#### **Rampart Area**

- FCNs 2741309800237 and 2741331300230

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<sup>6</sup>Four Restraining or Protective Orders could not be located; therefore, auditors were unable to verify the authenticity of the orders. Their findings were measured under Objective 1(b).

<sup>7</sup>Four Restraining/Protective Orders could not be located; therefore, auditors were unable to determine if a CARPOS printout was attached.

Hollywood Area

- FCNs 2741123400838 and 2741217900066

Pacific Area

- FCN 2741023100209

North Hollywood Area

- FCNs 2741309400400, 2741318500261, 2741319800870, 2741322800109 and 2741203200500

Mission Area

- FCN 2741203400330 and 2741213300133

**Objective No. 2(b) – Accurate and Complete Data Input into CARPOS**

**Criteria**

The NCIC 2000 Operating Manual (Updated 8-1-2010), Section 3.2, Maintaining the Integrity of NCIC Records, states, “Agencies that enter records in NCIC are responsible for their accuracy, timeliness, and completeness.”

*“The accuracy of NCIC records is an integral part of the NCIC System. The Accuracy of a record must be double-checked by a second party.*

*The verification of a record should include assuring all available cross checks, e. g., VIN/LIC, were made and that the data in the NCIC record match the data in the investigative report.”*

*“Complete records include all information that was available on the persons or property at the time of entry. Validation should include a review of whether additional information which is missing from the original entry that could be added has become available for inclusion to the record.”*

**Audit Procedures**

Each CARPOS record was printed and cross-referenced against the copy of the Restraining/Protective Order on file at geographic Areas and R&I Division. Auditors reviewed CARPOS printouts to ensure that stay-away, conduct, and move-out orders, custody information, visitation information, firearm and ammunition prohibitions, restrained and protected person information, issue/expiration dates, and proof of service information were accurate and complete in CARPOS.

## **Findings**

One hundred-seven (67%) of the 159 CARPOS printouts met the standards. The 52 CARPOS printouts that did not meet the standards are detailed below.

### Central Area

- FCN 2741028500563 – The child visitation information was inaccurate.

### Rampart Area

- FCN 2741331300230 – The physical descriptors of the restrained person was incomplete.

### Southwest Area

- FCN 2741330300407 – The ammunition restrictions and prohibition information was incomplete.

### Hollenbeck Area

- FCNs 2741110300057, 2741310901225, 2741315700164 and 2741330300122 – The ammunition restriction information was incomplete.

### Harbor Area

- FCNs 2741333900222 and 2741202000236 – The proof of service information was incomplete.
- FCN 2741424500295 – The protected person's first name was misspelled.
- FCN 2741205800363 – The expiration date of the Restraining/Protective Order was incorrect.
- FCN 2741209400179 – The contact orders were incorrect.
- FCN 2741205400479 – The court issued a Notice of Termination notifying the Department of the Restraining/Protective Order's termination; however, CARPOS was not updated, subsequently, the Restraining/Protective Order was not removed from CARPOS.

### Hollywood Area

- FCN 2741123400838 – The proof of service information was incorrect.
- FCN 2741333801334 – The stay-away distance was incorrect.

### Wilshire Area

- FCN 2741203000020 – The expiration date was incorrect and prohibition information was missing.

West Los Angeles Area

- FCN 2741232900224 – The stay-away orders, contact orders, and prohibition information was inaccurate.
- FCN 2741014900191 – The conduct orders were incomplete and ammunition restrictions were missing.
- FCN 2741409300937 – The contact and stay-away orders were incorrect.
- FCN 2741424400182 – The 100-yard stay-away order was missing.
- FCN 2741305900682 – The personal descriptors of restrained person and prohibition information on obtaining addresses of protected person and family were missing.
- FCN 2741311400883 – The stay-away and contact orders were missing. In addition, the physical descriptors and ammunition prohibitions were missing.
- FCN 2741319301289 – The stay-away orders were incomplete.
- FCN 2741325501044 – The physical descriptors were missing, the Restraining/Protective Order lists two names for the restrained person; however, the file did not include supporting documents to validate which spelling was correct. In addition, the prohibition on obtaining the address of the protected person was missing, the protected person's authorization to record conversation was missing, and visitation information and ammunition prohibition were missing.
- FCN 2741208000718 – The stay-away order, contact order, and physical descriptors were incorrect. The ammunition prohibition was also missing.

Van Nuys Area

- FCN 2741408600781 – The physical descriptors of the restrained person were missing.

Northeast Area

- FCN 2741417500087 – The physical descriptors of the restrained person were missing.

77<sup>th</sup> Street Area

- FCN 2741203600029 – The ammunition prohibition was missing.
- FCN 2741208100838 – The additional protected person was not listed. An alias for the restrained person was in CARPOS, but was not on the restraining order. Any additional documentation that supports the use of the alias was not attached to the Restraining Order file.

Newton Area

- FCNs 2741123600779, 2741223500921 and 2741408500619 – The proof of service information was incorrect.
- FCN 2741330401001 – The ammunition prohibition was missing.

Pacific Area

- FCN 2741023100209 – The expiration date was incorrect; move-out order and specific addresses for stay-away order were missing; CARPOS lists additional protected persons that were not listed in the Restraining Order; physical descriptors of the restrained person were missing; child visitation and custody information was incorrect.
- FCN 2741328100375 – The child custody and visitation information was incomplete; CARPOS did not list exemptions in the stay-away order for school events.
- FCN 2741425800813 – Physical descriptors of the restrained person were missing.
- FCN 2741203000406 – The restrained person's middle name was missing.

Foothill Area

- FCN 2741205600203 – The physical descriptors and home address of the restrained person were incorrect.
- FCN 2741404000072 – The 100-yard stay-away order was missing.
- FCN 2741227800779 – The restrained person's date of birth was incorrect.

Southeast Area

- FCN 2741226100950 – The expiration date was incorrect.
- FCN 2741302301236 – The additional protected person was identified as a sibling when they should have been listed as the spouse.
- FCN 2741421000771 – The stay-away provisions were incomplete and ammunition prohibition was missing.
- FCN 2741307900003 – The prohibition on obtaining addresses for the protected persons and the prohibition on ammunition were missing.

Mission Area

- FCN 2741402900856 – The proof of service information was incorrect.

Olympic Area

- FCN 2741408000050 – The ammunition prohibition was missing.

Topanga Area

- FCN 2741430100050 – The additional protected persons were missing.
- FCN 2741236600076 – The physical descriptors and spelling of first name of restrained person were incorrect. In addition, child visitation information was missing; proof of service information was incorrect; conduct and contact orders were incomplete or inaccurate.

R&I Division

- FCN 2741423301362 – The contact and stay-away orders were inaccurate.
- FCN 2741205200140 – CARPOS incorrectly listed the restrained person as male.
- FCN 2741311300110 – CARPOS incorrectly listed the recording authorization and stated that provisions applied to additional protected persons.
- FCN 2741221301240 – The ammunition prohibition was missing.

**Objective No. 2(c) – Second Party Check Performed**

**Criteria**

The NCIC 2000 Operating Manual, Section 3.2, Maintaining the Integrity of NCIC Records, states, “*Agencies that enter records in NCIC are responsible for their accuracy, timeliness, and completeness.*”

*“The accuracy of NCIC records is an integral part of the NCIC System. The Accuracy of a record must be double-checked by a second party.”*

**Audit Procedures**

Each Restraining/Protective Order, as well as the CARPOS printout, was reviewed to determine if there was evidence that a Second Party Check was conducted.<sup>8</sup>

**Findings**

One hundred forty-one (89%) of the 159 Restraining/Protective Order files contained evidence that a Second Party Check was conducted. The 18 Restraining/Protective Order files that did not contain evidence of a Second Party Check are listed below.

Harbor Area

- FCNs 2741424000502 and 2741424500295

Hollywood Area

- FCNs 2741123400838 and 2741217900066

Wilshire Area

- FCNs 2741319301146 and 2741306200016

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<sup>8</sup>Four Restraining/Protective Orders could not be located during the audit; therefore, auditors were unable to confirm a second party check.

West Los Angeles Area

- FCNs 2741232900224, 2741412601152, 2741405901086, 2741409300937, 2741424400182 and 2741325501044

Pacific Area

- FCN 2741425800813

Newton Area

- FCNs 2741123600779, 2741417700410 and 2741408500619

Foothill Area

- FCN 2741208200499

Records and Identification Division

- FCN 2741316501258

**ACTIONS TAKEN/MANAGEMENT'S RESPONSE**

The Commanding Officer, Audit Division, presented the audit report to the Commanding Officers of each geographic Area with findings, who have all taken corrective actions to resolve the identified issues.

The audit report was presented to the Director, Office of Operations, and the Commanding Officer, R&I Division.