

INTRADEPARTMENTAL CORRESPONDENCE

March 10, 2016
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: INTERFERING/RESISTING ARREST AUDIT (AD No. 15-024)

RECOMMENDED ACTIONS

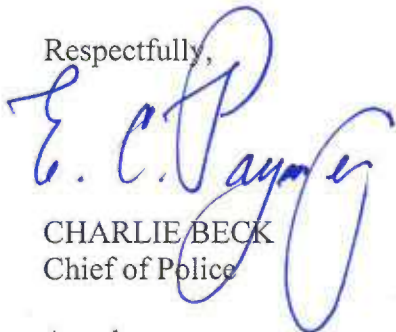
1. That the Board of Police Commissioners REVIEW and APPROVE the attached Interfering/Resisting Arrest Audit Report, fiscal year 2014/15.
2. That the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

Pursuant to the Annual Audit Plan, fiscal year 2014/15, Audit Division completed the Department-wide audit of Interfering/Resisting Arrest in conformance with the mandates of the Los Angeles Police Department (Department) Manual to assess the Department's adherence to policies and procedures.

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

*INTERFERING/RESISTING ARREST
AUDIT*

(AD No. 15-024)



Conducted by
AUDIT DIVISION

CHARLIE BECK
Chief of Police

February 2016

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EXECUTIVE SUMMARY
INTERFERING/RESISTING ARREST 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 (FY) 2014/15, Audit Division conducted the Department-wide Interfering/Resisting Arrest Audit. This audit evaluated the Department's adherence to policies and procedures related to watch commanders' pre-booking evaluation and documentation of such arrests.

METHODOLOGY

This audit evaluated arrests made, wherein, the primary charge was interfering, resisting arrest, or assaulting an officer from January 1, 2014, through December 31, 2014.¹ The audit was Department-wide and focused on the geographic Areas. A Consolidated Crime Analysis Data report from Information Technology Division was obtained to identify all arrests involving charges for interfering/resisting attributed to the 21 geographic Areas, resulting in a population of 955 arrests.² Audit Division randomly selected a statistically stratified valid sample from the population, resulting in 99 arrests.³

SUMMARY OF FINDINGS

The audit consisted of four objectives. The Department had 95 percent or higher compliance in two areas:

- Accuracy, Completion, and Consistency Between Booking Approval and Arrest Report: 100 percent
- Watch Commanders' Evaluation of issues regarding Training, Policy, and Tactics: 97 percent

A 90 percent or higher compliance was achieved in the following two areas:

- Accuracy, Completion, and Consistency Between Adult/Juvenile Detention Log and Watch Commander's Daily Report: 94 percent
- Watch Commanders' Documentation of the Interfering/Resisting, Assault or Battery Arrest in the Watch Commander's Daily Report: 92 percent

¹Arrests for California Penal Code Sections 69, 148(a)(1), 148(b), 148(c), 148(d), 241(c), 243(b), 243(c), 244.5(c), 245(c) and 245(d).

²Warrant arrests for charges involving interfering/resisting were excluded from being reviewed.

³The stratified sample size was obtained by utilizing a one-tail test with a 95 percent confidence level and a four percent error rate.

Table - Summary of Findings

Objective No.	Description	Prior Audit Results FY 2012/13	Current Audit Results
1	Accuracy, Completion, and Consistency Between Adult/Juvenile Detention Log and Watch Commander's Daily Report	88% (88/100)	94% (93/99)
2	Accuracy, Completion, and Consistency Between Booking Approval and Arrest Report	87% (88/101)	100% (99/99)
3	Watch Commander's Documentation of the Interfering/Resisting, Assault or Battery Arrest in the Watch Commander's Daily Report	90% (90/100)	92% (91/99)
4	Watch Commander's Evaluation of issues regarding Training, Policy, and Tactics	81% (73/90)	97% (88/91)

RECOMMENDATIONS

None.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

1. Audit Division validated the findings with each of the Area commanding officers.
2. Audit Division presented the audit to the Director, Office of Operations, who was in general agreement with the findings.

INTERFERING/RESISTING ARREST 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 (FY) 2014/15, Audit Division conducted the Department-wide Interfering/Resisting Arrest Audit. This audit is intended to evaluate the Department's adherence to policies and procedures related to watch commanders' pre-booking evaluation and documentation of such arrests.

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 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 our audit objectives.

BACKGROUND

Watch commanders are required to conduct a pre-booking evaluation when the *primary* booking charge is for interfering, resisting arrest, or assaulting an officer. The pre-booking evaluation is conducted to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. The watch commander's evaluation of the interfering/resisting or assaulting an officer arrest is required to be documented in the Watch Commander's Daily Report (WCDR), Form 15.80.00.

PRIOR AUDIT

The last Interfering/Resisting Arrest audit was conducted in FY 2012/13 and was focused on arrests made by Area officers for which interfering, resisting arrest, or assaulting an officer were the primary charges. There were no recommendations made, as there were no significant findings.

METHODOLOGY

This audit evaluated arrests made, wherein, the primary charge was interfering, resisting arrest, or assaulting an officer from January 1, 2014, through December 31, 2014.² The audit was Department-wide and focused on the geographic Areas. A Consolidated Crime Analysis Data report from Information Technology Division was obtained to identify all arrests involving charges for interfering/resisting attributed to the 21 geographic Areas, resulting in a population of 955 arrests.³

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

²Arrests for California Penal Code Sections 69, 148(a)(1), 148(b), 148(c), 148(d), 241(c), 243(b), 243(c), 244.5(c), 245(c) and 245(d).

³Warrant arrests for charges involving interfering/resisting were excluded from the audit.

Audit Division randomly selected a statistically valid stratified sample from the population, resulting in 99 arrests.⁴

SUMMARY OF FINDINGS

The audit consisted of four objectives. The Department had 95 percent or higher compliance in two areas:

- Accuracy, Completion, and Consistency Between Booking Approval and Arrest Report: 100 percent
- Watch Commanders' Evaluation of Issues Regarding Training, Policy, and Tactics: 97 percent

A 90 percent or higher compliance was achieved in the following two areas:

- Accuracy, Completion, and Consistency Between Adult/Juvenile Detention Log and Watch Commander's Daily Report: 94 percent
- Watch Commanders' Documentation of the Interfering/Resisting, Assault or Battery Arrest in the Watch Commander's Daily Report: 92 percent

Table No. 1 – Summary of Findings

Objective No.	Description	Prior Audit Results FY 2012/13	Current Audit Results
1	Accuracy, Completion, and Consistency Between Adult/Juvenile Detention Log and Watch Commander's Daily Report	88% (88/100)	94% (93/99)
2	Accuracy, Completion, and Consistency Between Booking Approval and Arrest Report	87% (88/101)	100% (99/99)
3	Watch Commanders' Documentation of the Interfering/Resisting, Assault or Battery Arrest in the Watch Commander's Daily Report	90% (90/100)	92% (91/99)
4	Watch Commanders' Evaluation of issues regarding Training, Policy, and Tactics	81% (73/90)	97% (88/91)

DETAILED FINDINGS

Objective No. 1 – Accuracy, Completion, and Consistency Between Adult/Juvenile Detention Log and Watch Commander's Daily Report

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. At a minimum, the watch commander shall ask the suspect the following three questions:*

⁴The stratified sample size was obtained by utilizing a one-tail test with a 95 percent confidence level and a four percent error rate.

- *Do you understand why you were detained/arrested?*
- *Are you sick, ill, or injured?*
- *Do you have any questions or concerns?*

The watch commander shall take appropriate action based upon the results of the inspection and responses to these questions.

***Exception:** In those rare cases when circumstances preclude an inspection and interview by a watch commander (e.g., medical/absentee bookings), the watch commander shall ensure that the suspect is inspected and interviewed by a Department supervisor who did not assist or participate in the person's arrest or detention. The assigned supervisor shall document the inspection and interview on his/her Sergeant's Daily Report, Form 15.48.00. Additionally, the watch commander shall document the reason for the exception, including the name and serial number of the supervisor assigned to conduct the inspection and interview, in his/her Watch Commander's Daily Report, Form 15.80.00."*

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."

Department Manual Section 4/218.66, Juvenile Secure Detention Log Form-Completion, states,

"Department employees placing juveniles in secure detention shall adhere to the following procedures:

*Department employees shall immediately record the detention and the arrest charge on the Secure Juvenile Detention Log, and ensure that the approving supervisor **signs** the log";*

*"Department employees shall immediately document the detention and the arrest charge on the Non-secure Juvenile Detention Log and ensure that the log is **signed** by the supervisor approving detention. Juveniles shall be under the constant observation and supervision of a Department employee."*

"Form Use" link Section 06.19.00 Adult Detention Log, Form 06.19.00, states, "The appropriate information shall be recorded on the Log by the officer who transports an adult in police custody to any Area station or the Metropolitan Jail Section, Jail Division. A new form shall be started at 0001 each day, as well as recording the Area/Division of occurrence. The watch commander shall sign and document the date and time the inspection and interview was conducted. (The watch commander's signature indicates that the inspection and interview was completed pursuant to Section 4/216 of the Department Manual.)"

Audit Procedures

Audit Division reviewed the arrests for accuracy, completion, and consistency between the Adult Detention Log, Non-Secure Juvenile Detention Log, Secure Juvenile Detention Log, and the WCDR to ensure consistency in all processes of arrests.

The Department met the standard if the WCDR and the appropriate Detention Log was completed, and the documentation between the WCDR and the appropriate Detention Log was complete, accurate, and consistent. The watch commanders' signatures in the detention logs were compared with the assigned watch commander in the WCDR to ensure the watch commander was conducting the inspections and interviews.

Findings

Ninety-three (94%) of the 99 arrests met the standard for this objective. Six arrests did not meet the standards for the following reasons:

- Two arrests (77th Street Area Booking No. 4110101 and Booking No. 4087544), Detention Logs were missing;
- One arrest (77th Street Area Booking No. 3839178) was missing the WCDR.
- Two arrests (Central Area Booking No. 4011791, Van Nuys Area Booking No. 3964804) the arrestees were not documented on the Detention Log;
- One arrest (Southwest Area Booking No. 4196187) the Detention Log was not complete. Date/Time Out, Tank/Bench, and Disposition boxes had no documentation.

Objective No. 2 – Accuracy, Completion, and Consistency Between Booking Approval and Arrest Report

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.”*

Department Manual Section 4/216.12, Recording of Booking Approval, states, *“Felonies. The name and serial number of the watch commander giving a felony booking approval shall be placed in the narrative portion of the arrest report.”*

“Misdemeanors. The name and serial number of the watch commander giving a misdemeanor booking approval shall be placed in the lower left portion of the “Property” box on the Booking and Identification Record and in the narrative portion of the arrest report, when one is completed.”

Audit Procedures

Audit Division reviewed the arrests for accuracy, completion, and consistency between the Arrest Report, 05.02.00, Booking Approval, Form 12.31.00, and the WCDR to ensure consistency in all arrest processes. The Department met the standard if: 1) the watch commander's name and serial number signing the booking approval was consistent with the arrest report; and, 2) the watch commander's name and serial number in the "Approving Watch Commander" section of the booking approval was verified to be the assigned or designated watch commander on the WCDR.

Findings

Each (100%) of the 99 arrests met the standard for this objective.

Objective No. 3 – Watch Commanders' Documentation of the Interfering/Resisting, Assault or Battery Arrest in the Watch Commander's Daily Report

Criteria

Department Manual Section 4/216.23, Arrests for Interfering, Resisting Arrest, or Assault on an Officer, states, *"When a person is charged with the California Penal Code (PC) sections listed below, the watch commander shall conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. A pre-booking evaluation is not required for additional filing requests."*

- **69PC** Obstructing or resisting peace officers by threats or violence;
- **148(a)(1)PC** Resisting, delaying, or obstructing a peace officer;
- **148(b)PC** Removing or taking a weapon, other than a firearm, from a peace officer;
- **148(c)PC** Removing or taking a firearm from a peace officer;
- **148(d)PC** Attempting to remove or take a firearm from a peace officer;
- **241(c)PC** Assault against a peace officer;
- **243(b) & (c)PC** Battery against a peace officer or custodial officer, respectively;
- **244.5(c)PC** Assault on a peace officer with a stungun or taser;
- **245(c)PC** Assault with a deadly weapon, other than a firearm, on a peace officer; and,
- **245(d)PC** Assault with a firearm, machine gun, or assault weapon on a peace officer.

Additionally, the watch commander shall:

- *Document that an evaluation was completed on the Watch Commander's Daily Report, Form 15.80.00";*

Audit Procedures

Audit Division reviewed the WCDR to determine whether the Interfering/Resisting, Assault or Battery Arrest was documented in the WCDR and the documentation between the WCDR and the arrest report were compared for consistency. The Department met the standard if the watch

commander documented the Interfering/Resisting, Assault or Battery Arrest in the WCDR and the documentation between the WCDR and the arrest report were consistent.

Findings

Ninety-one (92%) of the 99 arrests met the standard for this objective. The eight arrests that did not meet the standards are detailed in Table No. 2.

Table No. 2 – Summary of Findings for Objective No. 3

Area/Booking Nos.	Finding
77 th Street Area Booking No. 4069399	The WCDR and arrest report differs in reference to the initial contact. WCDR said that Officer "observed a known individual on probation." Arrest report said that the officers were requested by a Los Angeles County Probation Officer to assist with the arrest for a probation violation.
Central Area Booking No. 4011791	WCDR mentions that there was a 69 PC arrest; however, it does not explain the 69 PC arrest.
Van Nuys Area Booking No. 3964804	The incident was mentioned in the WCDR as a use of force. The WCDR does not mention a 148 PC arrest.
<ul style="list-style-type: none">• North Hollywood Area Booking No. 4007167• Pacific Area Booking No. 3928446• Southeast Area Booking No. 3963561• Southwest Area Booking Nos. 3829272 and 4196187	There was no mention of the Interfering/Resisting, Assault or Battery Arrest documented in the WCDR.

Objective No. 4 – Watch Commanders' Evaluation of Issues Regarding Training, Policy, and Tactics

Criteria

Department Manual Section 4/216.23, Arrests for Interfering, Resisting Arrest, or Assault on an Officer, states *"When a person is charged with the California Penal Code (PC) sections listed below, the watch commander shall conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed. A pre-booking evaluation is not required for additional filing requests."*

- **69PC** Obstructing or resisting peace officers by threats or violence;
- **148(a)(1)PC** Resisting, delaying, or obstructing a peace officer;
- **148(b)PC** Removing or taking a weapon, other than a firearm, from a peace officer;
- **148(c)PC** Removing or taking a firearm from a peace officer;
- **148(d)PC** Attempting to remove or take a firearm from a peace officer;
- **241(c)PC** Assault against a peace officer;
- **243(b) & (c)PC** Battery against a peace officer or custodial officer, respectively;
- **244.5(c)PC** Assault on a peace officer with a stungun or taser;
- **245(c)PC** Assault with a deadly weapon, other than a firearm, on a peace officer; and,
- **245(d)PC** Assault with a firearm, machine gun, or assault weapon on a peace officer.

Additionally, the watch commander shall:

- Document that an evaluation was completed on the Watch Commander's Daily Report, Form 15.80.00;*
- Take appropriate action when the results of the evaluation raise issues or concerns regarding training, policy, or tactics; and,*
- Reference all forms used for documenting the results of the pre-booking evaluation on the Watch Commander's Daily Report."*

Audit Procedures

Audit Division reviewed the WCDR to determine if a pre-booking evaluation was done to determine whether issues or concerns regarding training, policy, or tactics were addressed and documented. The Department met the standard if the watch commander evaluated and documented the evaluation pertaining to training, policy, and/or tactics for the Interfering/Resisting, Assault or Battery Arrest in the WCDR. Of the 99 arrests, 91 were documented in the WCDR.⁵ The WCDRs for each of the 91 documented arrests were reviewed to ensure the pre-booking evaluation was documented as well.

Findings

Eighty-Eight (97%) of the 91 documented arrests met the standard for this objective. Three arrests did not meet the standards for the following reasons.

- One arrest (Van Nuys Area Booking No. 3930784) was documented in the WCDR but did not contain the required watch commander's pre-booking evaluation;
- One arrest (Newton Area Booking No. 3822054) was documented in the WCDR and evaluated the tactics. However, there was no indication as to whether policy or training was evaluated for the arrest.
- One arrest (Southeast Area Booking Nos. 4026046) was documented in the WCDR but did not mention "Training, Policy, and Tactics."

RECOMMENDATIONS

None.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

1. Audit Division validated the findings with each of the Area commanding officers.
2. Audit Division presented the audit to the Director, Office of Operations, who was in general agreement with the findings.

⁵The eight arrests that were not documented in the WCDR were addressed in Objective No. 3.