

## INTRADEPARTMENTAL CORRESPONDENCE

September 7, 2016  
14.2

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

**FROM:** Chief of Police

**SUBJECT:** JUVENILE ARREST PROCEDURES AND PROCESSES AUDIT  
(AD No. 15-074)

### RECOMMENDED ACTIONS

1. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Juvenile Arrest Procedures and Processes Audit.
2. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

### DISCUSSION

Audit Division conducted the Juvenile Arrest Procedures and Processes Audit to evaluate compliance with Department policies and procedures.

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

Respectfully,



CHARLIE BECK  
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT

*JUVENILE ARREST PROCEDURES AND  
PROCESSES AUDIT*  
(AD No. 15-074)



Conducted by  
AUDIT DIVISION

CHARLIE BECK  
Chief of Police

*August 2016*

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**EXECUTIVE SUMMARY**  
**JUVENILE ARREST PROCEDURES AND PROCESSES AUDIT**  
**Conducted by**  
**Audit Division**  
**Fiscal Year 2015/16**

**PURPOSE**

In accordance with the fiscal year (FY) 2015/16 Annual Audit Plan, Audit Division (AD) conducted a juvenile procedures and process audit of juvenile arrests. The purpose of the audit was to evaluate the arrests for quality and adherence to Los Angeles Police Department (Department) policies and procedures.

**BACKGROUND/PRIOR AUDITS**

The last audit completed was for the Second Quarter in FY 2013/14. Related findings were reported to each Area/bureau's Command Staff.

**PRIOR RECOMMENDATIONS**

The following recommendations were made in the Juvenile Arrest Procedures and Processes Audit for FY 2013/14.

1. *"It is recommended that Police Training and Education develop Roll Call training to address the proper completion of the Juvenile Arrest Supplemental Report with emphasis pertaining to telephone calls (Objective Nos. 4, 5 and 6)."*

**Status on Recommendation No. 1: Implemented.** The recommendation was implemented whereby Police Training and Education developed an e-learning module that addressed the recommendation. The module was implemented during Deployment Period No. 3, 2015.

2. *"It is recommended the Department consider reconciling and modifying Department Manual section 4/658.17, and Department Manual of Juvenile Procedures, section 1795, to match the Department requirement that requires juvenile arrestee's to be offered to make at least three phone calls when taken into custody (Objective No. 4)."*

**Status on Recommendation No. 2: In Process.**

3. *"It is recommended the Department consider modifying the Juvenile Arrest Supplemental Report, specifically the checkbox area that states "625 WIC Read Verbatim" to include verbiage that explains the checkbox is to be checked off when not obtaining a statement from a juvenile arrestee (Objective No. 2)."*

**Status on Recommendation No 3: Implemented.** The recommendation was implemented with the revision of the Juvenile Arrest Supplemental Report due to Special Order No. 13, 2015, Juveniles Arrested and Under the Influence of Narcotics or Drugs – Medical Examination – Revised; Temporary Detention of Juveniles at Department Facilities – Revised; Telephone Calls – Juvenile in Custody – Revised; Secure Juvenile Detention Log, Form 09.05.00 – Revised; Non-Secure Juvenile Detention Log, Form 09.06.00 – Revised; Juvenile Arrest

Supplemental Report, Form 05.02.06 – Revised; and Juvenile Detention Procedures – Field Notebook Divider, Form 18.50.00 – Activated.

### **SUMMARY OF FINDINGS**

The audit was comprised of ten objectives. The Department did well in a majority of the categories. Areas of improvement that were identified regarding juvenile arrests *13 and under* included the timely advisement to juveniles of the right to telephone calls, documentation of telephone call refusals, and completion of the Gladys R. Questionnaire. The following table summarizes the audit findings.

**Table – Summary of Audit Findings**

<b>Objective No.</b>	<b>Description</b>	<b>13 and Under Results</b>	<b>14 and Over Results</b>
1	Juvenile Arrest Supplemental Report	64/66 (97%)	90/93 (97%)
2	Miranda Rights Admonition	62/64 (97%)	90/90 (100%)
3	Parental Notification	59/64 (92%)	87/90 (97%)
4	Advisement of Telephone Calls	63/64 (98%)	89/90 (99%)
5	Timely Advisement of Telephone Calls	41/64 (64%)	60/90 (67%)
6	Documentation of Telephone Call Refusal	32/64 (50%)	60/90 (67%)
7	Watch Commander Inspection and Interview	58/66 (88%)	87/93 (94%)
8	Correct Detention Area	63/63 (100%)	92/92 (100%)
9	Length of Detention	63/63 (100%)	90/92 (98%)
10	Gladys R. Questionnaire	31/47 (66%)	N/A

### **RECOMMENDATIONS**

It is recommended that Office of Operations create a plan of action to address issues identified within Objective Nos. 5, 6, and 10.

### **ACTIONS TAKEN/MANAGEMENT'S RESPONSE**

1. Each of the findings was validated with the Commanding Officers at each Area.
2. The audit report was presented to the Commanding Officer, Juvenile Division, the Director, Police Training and Education, and the Director, Office of Operations.

3. The audit report was provided to the Assistant to the Director, Office of Operations, who expressed general agreement with the audit findings.
4. An Intradepartmental Correspondence, Form 15.02.00, was submitted by the Director, Office of Operations in response to the audit findings. See Addendum.

# JUVENILE ARREST PROCEDURES AND PROCESSES AUDIT

Conducted by  
Audit Division  
Fiscal Year 2015/16

## PURPOSE

In accordance with the fiscal year (FY) 2015/16 Annual Audit Plan, Audit Division (AD) conducted the Juvenile Arrest Procedures Audit. The purpose of the audit was to evaluate the arrests for quality and adherence to Los Angeles Police Department (Department) policies and procedures.

Audit Division conducted this audit under the guidance of Generally Accepted Government Auditing Standards,<sup>1</sup> 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/PRIOR AUDITS

The last Juvenile Arrest Procedures Audit completed was during the Second Quarter, FY 2013/14. In that audit there were areas for improvement identified related to completing juvenile arrestee telephone call information.

## PRIOR RECOMMENDATIONS

The following recommendations were made in the Juvenile Arrest Procedures and Processes Audit for FY 2013/14.

1. *"It is recommended that Police Training and Education develop Roll Call training to address the proper completion of the Juvenile Arrest Supplemental Report with emphasis pertaining to telephone calls (Objective Nos. 4, 5 and 6)."*

**Status on Recommendation No. 1: Implemented.** The recommendation was implemented whereby Police Training and Education developed an e-learning module that addressed the recommendation. The module was implemented during Deployment Period No. 3, 2015.

2. *"It is recommended the Department consider reconciling and modifying Department Manual section 4/658.17, and Department Manual of Juvenile Procedures, section 1795, to match the Department requirement that requires juvenile arrestee's to be offered to make at least three phone calls when taken into custody (Objective No. 4)."*

**Status on Recommendation No. 2: In Process.**

3. *"It is recommended the Department consider modifying the Juvenile Arrest Supplemental Report, specifically the checkbox area that states "625 WIC Read Verbatim" to include*

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<sup>1</sup>U.S. Government Accountability Office, Generally Accepted Government Auditing Standards, December 2011 Revision.

*verbiage that explains the checkbox is to be checked off when not obtaining a statement from a juvenile arrestee (Objective No. 2)."*

**Status on Recommendation No 3: Implemented.** The recommendation was implemented with the revision of the Juvenile Arrest Supplemental Report due to Special Order No. 13, 2015, Juveniles Arrested and Under the Influence of Narcotics or Drugs – Medical Examination – Revised; Temporary Detention of Juveniles at Department Facilities – Revised; Telephone Calls – Juvenile in Custody – Revised; Secure Juvenile Detention Log, Form 09.05.00 – Revised; Non-Secure Juvenile Detention Log, Form 09.06.00 – Revised; Juvenile Arrest Supplemental Report, Form 05.02.06 – Revised; and Juvenile Detention Procedures – Field Notebook Divider, Form 18.50.00 – Activated.

## **METHODOLOGY**

Auditors reviewed Arrest Report Packages, Watch Commander's Daily Reports, Form 15.80.00, and Non-Secure Juvenile Detention Logs, Form 09.06.00, and Secure Juvenile Detention Log, Form 09.05.00. The sample selection processes for both populations are described below.

Cases involving 300 Welfare and Institutions Code (WIC) 777, 1737 WIC, Release from Custody arrests, and arrests made by outside agencies were excluded from the population. Additionally, subjects booked under monikers/aliases, and for which the records indicated a correction reflecting the subject's true name were deselected, as they were listed under duplicate booking numbers.

For the assessment of juveniles aged *14 and Over*, due to Special Order No. 13, April 30, 2015, which revised the Juvenile Arrest Supplemental Report (JASR), and the Secure and Non-Secure Juvenile Detention Logs, AD determined that it was best to only evaluate juvenile arrests subsequent to the Special Order. Thus a two-month period (May 1, 2015, through June 30, 2015) was used. Based on a population of 451, a statistically valid, stratified random sample of 95 juvenile arrests *ages 14 and Over* was reviewed.<sup>2</sup>

Because juvenile arrests of ages *13 and Under* are less common, and in order to obtain a representative population, the audit utilized a six-month period to evaluate this category (January 1, 2015, through June 30, 2015). Audit Division randomly selected a statistically valid sample from the population of 140, yielding 57 juvenile arrests that were *13 and Under*.<sup>3</sup> The population (140) was stratified based on the division of occurrence and the selections were proportionately allocated. The resulting stratified randomized sample was 67 juvenile arrests that were 13 years and under.

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<sup>2</sup>The sample size was obtained by utilizing a one-tail test with a 95 percent confidence level and a four percent error rate.

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



## **SUMMARY OF FINDINGS**

The audit included ten objectives, and the Department did well with the majority of the audit objectives. Areas for improvement were identified in both age group populations (13 and Under/14 and Over) as it pertained to timely advisement of telephone calls, and documentation of telephone call refusals. Moreover, the results for the 13 and Under population also indicated a need for improvement with regard to completion of the Gladys R. Questionnaires. All of the aforementioned areas for improvement may be attributed to officers' not ensuring that each box within the respective form was completed. Table No. 1 summarizes the audit findings.

**Table No. 1 – Summary of Audit Findings**

<b>Objective No.</b>	<b>Description</b>	<b>13 and Under Results</b>	<b>14 and Over Results</b>
1	Juvenile Arrest Supplemental Report	64/66 (97%)	90/93 (97%)
2	Miranda Rights Admonition	62/64 (97%)	90/90 (100%)
3	Parental Notification	59/64 (92%)	87/90 (97%)
4	Advisement of Telephone Calls	63/64 (98%)	89/90 (99%)
5	Timely Advisement of Telephone Calls	41/64 (64%)	60/90 (67%)
6	Documentation of Telephone Call Refusal	32/64 (50%)	60/90 (67%)
7	Watch Commander Inspection and Interview	58/66 (88%)	87/93 (94%)
8	Correct Detention Area	63/63 (100%)	92/92 (100%)
9	Length of Detention	63/63 (100%)	90/92 (98%)
10	Gladys R. Questionnaire	31/47 (66%)	N/A

## **DETAILED FINDINGS**

### **Objective No. 1 – Juvenile Arrest Supplemental Report**

#### **Criteria**

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

- *Attach a completed Juvenile Arrest Supplemental Report, Form 05.02.06, to the Arrest Report, Form 05.02.00, as the next to the last numbered page of the Arrest Report”;*

## **Audit Procedures**

Each of the 159 (66 arrests *13 and Under* and 93 arrests *14 and Over*) juvenile arrest packages was examined to determine whether the JASR was completed and included in the arrest package.<sup>4,5</sup>

The Department met the standard if the juvenile arrest package contained the JASR.

## **Findings**

Sixty-four (97%) of 66 Juvenile Arrest Reports involving subjects *13 and Under* met the standard for this objective. The two Juvenile Arrest Reports that did not meet the standard for this objective are detailed as follows.<sup>6</sup>

- Foothill - DR No. 151605810 – Missing JASR (Watch Commander checked “Not Required” on the Arrest Report Approval Checklist)
- Foothill - DR No. 151600783 – Missing JASR (Watch Commander checked “Not Required” on the Arrest Report Approval Checklist)

Ninety (97%) of 93 Juvenile Arrest Reports involving subjects *14 and Over* met the standard for this objective. The three Juvenile Arrest Reports that did not meet the standard for this objective are detailed below.<sup>7</sup>

- Newton DR No. 151313328 – Missing JASR (not in Arrest Report)
- Newton DR No. 151312647 – Missing JASR (not in Arrest Report)
- Southeast DR No. 151810017 – Missing JASR (not in Arrest Report)

The five subjects' ages were clearly juveniles and thus required the JASRs. The divisions which had missing JASRs were advised and appropriate action was taken.

## **Additional**

One hundred (65%) of 154 JASRs that were available for review used the correct version based on the arrest date. The audit found that the '8/2013' and '8/2004' versions were used along with the newly revised April 30, 2015, version. The 54 Juvenile Arrest Reports that did not use the correct version are detailed in Table No. 2.

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<sup>4</sup>During the course of the audit, it was found that two arrests did not meet the criteria and were subsequently removed from the sample. They were not replaced as there were no replacements available. Therefore, the stratified sample of 95 arrests was modified to 93 arrests for the related objectives.

<sup>5</sup>During the course of the audit, it was found that one arrest did not meet the evaluation criteria for this audit and was subsequently removed from the sample. It was not replaced as there were no replacements available. Therefore, the stratified sample of 67 arrests was modified to 66 arrests for the related objectives.

<sup>6</sup>The two missing JASRs will not be evaluated in Objective Nos. 2-6 as they have been identified as findings in this objective.

<sup>7</sup>The three missing JASRs will not be evaluated in Objective Nos. 2-6 as they have been identified as findings in this objective.

**Table No. 2 – Juvenile Arrest Supplemental Report Version Used**

Area	8/2013 Form	8/2004 Form
Central		1
Rampart	1	
Hollenbeck	1	
Northeast	2	
Newton	1	
Southwest	1	
Harbor	4	
77 <sup>th</sup> Street	8	
Southeast	5	5
Wilshire	2	
West Los Angeles	1	1
Pacific	3	
Olympic	3	
West Valley	2	
North Hollywood	2	
Foothill	1	1
Devonshire	3	
Mission		2
Topanga		4

The new forms require information that the older forms do not. The use of the outdated forms may be attributed to those forms being made available to the officers at the geographic Areas. Additionally, officers have the forms saved on their Department computers, albeit dated, facilitating the completion of the arrest report electronically. It is officers, as well as watch commanders, who must be cognizant of the issuance of new forms. Based on the 54 findings (35%) of 154 JASRs reviewed were outdated forms, this appears to be a systemic issue that requires immediate attention. The geographic Areas identified for using outdated JASRs were advised and appropriate actions were taken. Communication with supervisory staff from the involved geographic Areas indicated an understanding of the oversight, and that use of the correct forms is critical to ensuring all the required information is captured.

## **Objective No. 2 – Miranda Rights Admonition**

### **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";*

Department Manual Section 4/202.30, Advisement of Constitutional Rights per Welfare and Institutions Code 625 – Minors, states, *"When an officer takes a person under the age of 18 (minor) into temporary custody for a 601 or 602 WIC offense and **does not** intend to interrogate the minor for a 601/602 WIC offense, the officer must advise the minor as follows:*

- *You have the right to remain silent;*
- *Anything you say may be used against you in court;*
- *You have the right to the presence of an attorney before and during any questioning;*
- *If you cannot afford an attorney, one will be appointed for you, free of charge, before any questioning, if you want.*

*The officer **will not** ascertain if the minor understands his rights and **will not** seek a waiver. The 625 advisement may be given anytime during the period that the minor is in police custody. Officers should be aware of the Six-Hour Rule when conducting the interrogation of a minor in custody.*

***Note:*** *Providing the Miranda admonition for interrogation purposes will fulfill the 625 WIC requirement."*

## **Audit Procedures**

Arrest report packages were examined to determine whether the arrestee was interrogated in regard to his/her participation in criminal activity. The arrest report packages were then reviewed to determine whether a Miranda Rights Admonition was given and documented in the arrest report narrative and/or if the mandatory 625 WIC admonishment was completed and properly documented on the JASR.

The Department met the standard if a Miranda Rights Admonition was documented in the arrest report narrative when the juvenile arrestee was interrogated regarding his/her participation in criminal activity and/or the "625 WIC Read Verbatim" checkbox was properly marked on the JASR when the juvenile arrestee was not interrogated.

## Findings

Sixty-two (97%) of 64 Juvenile Arrest Reports involving subjects *13 and Under* met the standard for this objective. The two Juvenile Arrest Reports that did not meet the standard for this objective are detailed below.<sup>8</sup>

- Southeast - DR No. 151809120 (Bkg No. 4298491) – The Miranda Admonition was given, and the first four answers to the questions were documented; however, the Statement Form did not answer the last question, “Do you want to talk about what happened?” The Subject made a hand written statement on an Investigative Action/Statement Form.
- West Los Angeles DR No. 150800708 – Miranda Rights Admonition was not documented, interrogatory interview was conducted, and statements were documented. The waiver of rights was not documented on the JASR. Responses to Questions No. 1-4 of the Miranda Rights Admonition were documented on the JASR. There was no documented response to the last question, “Do you want to talk about what happened”? There was also no mention of Miranda Rights Admonition in the narrative of the report.

Each (100%) of the 90 Juvenile Arrest Reports involving subjects *14 and Over* met the standard for this objective.

The absence of Miranda when incriminating statements are made can have serious ramifications and/or jeopardize a case. The supervisory oversight of reviewing the arrest reports is critical in ensuring that policies and procedures are followed. The geographic Areas associated with the findings were advised and appropriate action was taken.

Communication with supervisors from the involved geographic Areas indicated an understanding of the oversight and that documentation of the Miranda Admonition for all arrestees in police custody is critical; therefore, a thorough and diligent review of all arrest reports must occur.

## **Objective No. 3 – Parental Notification**

### **Criteria**

Department Manual Section 4/218.80, Notification to Parents - Juvenile Arrest, states, “*When an officer takes a juvenile arrestee to a place of confinement (i.e., Area station, juvenile detention center, etc.), the officer shall take immediate steps to notify the juvenile’s parent, guardian or responsible relative that the juvenile is in custody and of the location where the juvenile is being held.*”

### **Audit Procedures**

The JASRs were examined to determine whether the arresting officers made the necessary attempts to notify the juvenile’s parents or guardians.

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<sup>8</sup>The revised version of the JASR (April 30, 2015) did not have an impact on the findings of this objective.

The Department met the standard if the arrest package indicated the parents or legal guardians were notified as required, or that attempts were made by the officers to contact the parents or legal guardian, albeit with negative results.

### Findings

Fifty-nine (92%) of 64 Juvenile Arrest Reports involving subjects *13 and Under* met the standard for this objective. The five Juvenile Arrest Reports that did not meet the standard for this objective are detailed in Table No. 3.

Eighty-seven (97%) of 90 Juvenile Arrest Reports involving subjects *14 and Over* met the standard for this objective. The three Juvenile Arrest Reports that did not meet the standard for this objective are detailed in the following table below.<sup>9</sup>

**Table No. 3 – Juvenile Arrest Supplemental Report Parental Notification**

<b>13 and Under</b>	Parent Guardian, or Responsible Relative Notification section of JASR left blank.
<ul style="list-style-type: none"><li>• Southwest DR Nos. 150311785 and 150313927</li><li>• Harbor DR No. 150500566</li><li>• Wilshire DR No, 150707298</li><li>• Devonshire DR No. 151707672</li></ul>	
<b>14 and Over</b>	
<ul style="list-style-type: none"><li>• Southwest DR Nos. 150313079 and 150300802</li><li>• Hollywood DR No. 150611993</li></ul>	

### **Objective No. 4 – Advisement of Telephone Calls**

#### **Criteria**

Department Manual Section 4/658.17, Telephone Calls – Juvenile in Custody, states, *“Immediately after taking a juvenile to a place of confinement, and no later than one hour after being taken into custody, the Department employee shall advise the juvenile of the right and provide the opportunity, to complete at least two telephone calls (one call to a parent or guardian, a responsible relative, or employer, and another call to an attorney). The juvenile has the right to make at least one additional telephone call within three hours of arrest.”*

#### **Audit Procedures**

The JASRs were reviewed to determine whether the juvenile arrestee was advised of his/her right to make telephone calls.

The Department met the standard if the arrest package indicated the juvenile arrestee was advised of his/her right to make telephone calls after taken into custody (time of arrest).<sup>10</sup>

<sup>9</sup>The revised version of the JASR (April 30, 2015) did not impact the results of this objective.

<sup>10</sup>The revised version of the JASR (April 30, 2015) did not impact the results of this objective.

## Findings

Sixty-three (98%) of 64 Juvenile Arrest Reports involving subjects *13 and Under* met the standard for this objective. The Juvenile Arrest Report that did not meet the standard for this objective is detailed as follows:

- Hollenbeck – DR No. 150408462 – The phone calls section of the JASR was blank – No phone call was made since the subject’s mother was at the station with the subject during the investigation process. Irrespective of the mother being present at the station, officers should document they advised and provided an opportunity for the juvenile to call another parent or guardian, another responsible relative, employer, or an attorney.

Eighty-nine (99%) of 90 Juvenile Arrest Reports involving subjects *14 and Over* met the standard for this objective. The Juvenile Arrest Report that did not meet the standard for this objective is detailed below.

- Wilshire – DR No. 150707866 – The phone calls section of the JASR was blank, and a refusal was not indicated.

## **Objective No. 5 – Timely Advisement of Telephone Calls**

### Criteria

Department Manual Section 4/658.17, Telephone Calls – Juvenile in Custody, states, *“Immediately after taking a juvenile to a place of confinement, and no later than one hour after being taken into custody, the Department employee shall advise the juvenile of the right and provide the opportunity, to complete at least two telephone calls (one call to a parent or guardian, a responsible relative, or employer, and another call to an attorney). The juvenile has the right to make at least one additional telephone call within three hours of arrest.”*

### Audit Procedures

The JASRs were reviewed to determine the timeliness of the telephonic advisements. For the purpose of this audit, “timeliness” is defined as the time of arrest and the time of advisement.

The Department met the standard if the juvenile arrest package contained documentation of timely telephone advisement.

## Findings

Forty-one (64%) of 64 Juvenile Arrest Reports involving subjects *13 and Under* met the standard for this objective. The 23 Juvenile Arrest Reports that did not meet the standard for this objective are detailed in Table No. 4.

**Table No. 4 – Juvenile Arrests 13 and Under - Telephonic Advisement Exceeded One Hour**

Area	1-30 minutes over	31-60 minutes over	Exceeded 61 minutes	Unable to determine
Hollenbeck	1			1
Northeast		1		
Newton		1		
Southwest	1		1	
Harbor	2		1	
77 <sup>th</sup> Street	2	1		
Southeast	4	1	1	
West Los Angeles	1			
Pacific	1			
Olympic				1
North Hollywood	1			
Topanga			1	

Sixty (67%) of 90 Juvenile Arrest Reports involving subjects *14 and Over* met the standard for this objective. The 30 Juvenile Arrest Reports that did not meet the standard for this objective are detailed in Table No. 5.

**Table No. 5 – Juvenile Arrests 14 and Over - Telephonic Advisement Exceeded One Hour**

Area	1-30 minutes over	31-60 minutes over	Exceeded 61 minutes	Unable to determine
Rampart	2			
Northeast			1	
Southwest	1	1		
Harbor	2			
77 <sup>th</sup> Street	3		1	
Southeast	4		1	
Hollywood	3			
Wilshire				1
Pacific	1		1	
Van Nuys		1	1	
North Hollywood	1		1	
Foothill	1			
Devonshire			2	
Mission	1			

The delay in the subjects making their first call within the first hour puts the Department at risk of liability and may lead to litigation. Additionally, this is out of compliance with State law, as well as Department procedures. Based on the 53 findings (34%) out of a total of 154 JASRs reviewed, this appears to be a systemic issue that requires immediate attention. The geographic Areas associated with the findings were advised and appropriate actions were taken. Communication with supervisors from the involved geographic Areas indicated an understanding of the oversight and that the timeliness of advising the subject of their right to make telephone calls is critical when juveniles are in police custody.



## **Objective No. 6 – Documentation of Telephone Call Refusal**

### **Criteria**

Department Manual Section 4/658.17, Telephone Calls - Juvenile in Custody, states, *"Immediately after taking a juvenile to a place of confinement, and no later than one hour after being taken into custody, the Department employee shall advise the juvenile of the right and provide the opportunity, to complete at least two telephone calls (one call to a parent or guardian, a responsible relative, or employer, and another call to an attorney). The juvenile has the right to make at least one additional telephone call within three hours of arrest."*

### **Audit Procedures**

Arrest report packages were reviewed to determine if the juvenile arrestee refused the right to make telephone calls, and if the refusal was properly documented on the JASR. The Department met the standard if the "Refusal" section was properly completed on the JASR and/or documented in the arrest report narrative.<sup>11</sup>

### **Findings**

Thirty-two (50%) of 64 Juvenile Arrest Reports involving subjects *13 and Under* met the standard for this objective. The 32 Juvenile Arrest Reports that did not meet the standard for this objective are detailed in Table No. 6.

**Table No. 6 – Juvenile Arrests 13 and Under - Telephone Call Refusals**

<b>Area</b>	<b>Attorney Refusal Not Documented</b>	<b>All Refusals Not Documented</b>
Rampart	1	
Hollenbeck	1	1
Northeast	1	
Newton	1	
Southwest	2	
77 <sup>th</sup> Street	4	
Southeast	9	
Wilshire	3	
West Los Angeles	1	
Van Nuys	1	
West Valley	1	
Foothill	1	
Devonshire	1	
Topanga	3	
Juvenile	1	

Sixty (67%) of the 90 Juvenile Arrest Reports involving subjects *14 and Over* met the standard for this objective. The 30 Juvenile Arrest Reports that did not meet the standard for this objective are detailed in Table No. 7.

<sup>11</sup>The revised version of the JASR (April 30, 2015) did not impact the results; both versions contain the same fields.

**Table No. 7 – Juvenile Arrests 14 and Over - Telephone Call Refusals**

<b>Area</b>	<b>Attorney Refusal Not Documented</b>	<b>All Refusals Not Documented</b>
Rampart	1	
Hollenbeck	1	
Newton	1	
Southwest	2	
Harbor	2	
77 <sup>th</sup> Street	5	
Southeast	4	1
Hollywood	2	
Wilshire		1
Olympic	3	
West Valley	2	
North Hollywood	1	
Foothill	1	
Devonshire	1	
Topanga	2	

There is a checkbox on the JASR to document the subject's refusal to make a telephone call to a parent or guardian, a responsible relative, or his employer, and another check box for an attorney. The majority of findings involved the call to an attorney. A review of the calls made did not indicate that any calls were made to an attorney, thus requiring the box to be checked. The lack of documentation indicated the subjects may not have been notified of their right to make a telephone call to an attorney. This possibility of a non-notification puts the Department at risk of liability and may lead to litigation. Additionally, this is out of compliance with State law, as well as Department procedures. Based on the 62 findings (40%) of 154 JASRs reviewed, this appears to be a systemic issue and the geographic Areas associated with the findings were advised and appropriate actions were taken. Communication with supervisors from the involved geographic Areas indicated an understanding of the oversight and that documentation of refusals to make calls is critical when juveniles are in police custody.

**Objective No. 7 – Watch Commander Inspection and Interview**

**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:*

- *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 in 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."*

### **Audit Procedures**

Each detention log was examined for documentation of the arrestee interview and inspection by a watch commander. Verification that the employee conducting such interview was assigned as the actual watch commander will be based on review of the Watch Commander's Daily Report. If verification was unable to be made based on the Watch Commander's Daily Report, the concerned supervisor's Sergeant's Daily Report, Form 18.49.00, was reviewed to verify the assumption of watch commander duties. Additionally, the rank of lieutenant was considered as holding the watch commander position.

The Department met the standard if the watch commander's interview and inspection was documented on the Detention Log in accordance with Department policy.

### **Findings**

Fifty-eight (88%) of 66 Juvenile Arrests involving subjects *13 and Under* met the standard for this objective. The eight Juvenile Arrests that did not meet the standard for this objective are detailed in Table No. 8.

*This Area Intentionally Left Blank*

**Table No. 8 – Juvenile Arrests 13 and Under–Watch Commander Inspection and Interview**

Area	DR No./Bkg No.	Finding
Rampart	150208643	The subject was booked/released from school and there was no documentation that an interview was conducted in the field.
Southwest	150305388	Unable to determine due to subject not logged onto any detention log.
77 <sup>th</sup> Street	151205157 and 151200589	Both documented response to second interview question (“Are you sick, ill, or injured?”) were “Yes”; there was no follow-up response or action documented by either watch commander.
Southeast	151809120 (Bkg No. 4298476)	Documented response to third question, “Do you have any questions or concerns?” was “Yes”; there was no follow-up response or action documented by the watch commander.
	151809120 (Bkg No. 4298491)	Supervisor that conducted interview and inspection was not designated as the watch commander.
West Valley	141016699	Unable to determine, detention log was not located.
Foothill	151607579	Supervisor that conducted interview and inspection was not designated as watch commander.

Eighty-seven (94%) of 93 Juvenile Arrests involving subjects *14 and Over* met the standard for this objective. The six Juvenile Arrests that did not meet the standard for this objective are detailed in Table No. 9.

**Table No. 9 – Juvenile Arrests 14 and Over - Watch Commander Inspection and Interview**

Area	DR No. /Bkg No.	Findings
Rampart	150200822	Supervisor that conducted interview and inspection was not designated as watch commander.
Southwest	150314303	Documented responses to the third interview question, “Do you have any questions or concerns?” was “Yes.” There was no follow-up response or action documented by the watch commander.
77 <sup>th</sup> Street	151200834	All three inspection/interview questions were blank.
	151213858	Documented response to the first interview question, “Do you understand why you were detained/arrested?” was “No.” There was no follow-up response or action by the watch commander.
West Valley	151007950	Unable to determine. Subject was never logged onto the Detention Log.
Foothill	151609199	Documented response to second interview question (“Are you sick, ill, or injured”) was “Yes”; watch commander indicated “twisted right ankle while walking.” There was no follow-up action documented by the watch commander or within the arrest report regarding medical treatment.

Although there were only 14 findings (9%) of 159 detention logs reviewed that did not meet the standard, this appears to be an area that requires attention and needs to be addressed based on the implications of not addressing (or at least documenting) medical care issues, or answering subjects’ questions as to why they are being detained or other questions the subject may have.

The geographic Areas associated with the findings were advised and appropriate actions were taken. Communication with the supervisory staff from the involved geographic Areas indicated an understanding of the issues and that the answers to the interview questions are indicated and must be complete with documented responses if the subject provides an adverse answer to any of the questions; therefore, a thorough and diligent review must be made to ensure all required information is captured.

### **Objective No. 8 – Correct Detention Area**

#### **Criteria**

Department Manual Section 4/218.66, Temporary Detention of Juveniles in Department Facilities - Secure Detention of Juveniles, states, *“Under secure detention, juveniles are locked in a room, holding tank, or enclosure and/or are physically secured to handcuffing benches, rails, chairs, or any stationary object. A juvenile held in secure detention shall meet **all** of the following criteria:*

- *The juvenile must be 14 years of age or older; and,*
- *The juvenile must be in custody under authority of Section 602 WIC; and,*
- *The officer has reasonable belief that the juvenile poses a serious security risk and/or risk of harm to self or others; and,*
- *The detention must be for the purpose of investigating the crime, facilitating release to a parent or guardian, or arranging a transfer to an approved juvenile detention facility.”*

Department Manual Section 4/218.66, Temporary Detention of Juveniles in Department Facilities, states, *“Under non-secure detention, a juvenile's freedom of movement is controlled solely by Department employees, and the juvenile is under constant, in-person observation and supervision. Non-secure detention prohibits the placement of juveniles in locked rooms or enclosures and prohibits physically securing juveniles to chairs, benches, handcuffing rails, or other stationary objects.”*

#### **Audit Procedures**

The arrest package, Secure Juvenile Detention Log or Non-Secure Detention Log was examined to determine whether the juvenile was held in the proper detention area.

The Department met the standard if the information contained in the arrest package supported the type of detention used to house the juvenile while at a Department facility.

Of the 66 Juvenile Arrests involving subjects *13 and Under* evaluated, one was never brought to a Department facility, one was never logged in, and one detention log was unable to be located. These three arrests were not evaluated, leaving 63 detention logs to evaluate.

Of the 93 Juvenile Arrests involving subjects *14 and Over* that were evaluated, documentation did not indicate that one subject was brought to a Department facility. This arrest was not to be evaluated, leaving 92 detention logs to evaluate.

## Findings

Each (100%) of the 63 *13 and Under* Juvenile Arrests met the standard for this objective.  
Each (100%) of the 92 *14 and Over* Juvenile Arrests met the standard for this objective.

### **Objective No. 9 – Length of Detention**

#### **Criteria**

Department Manual Section 4/218.66, Temporary Detention of Juveniles at Department Facilities, states, “*Juveniles shall not be held in temporary detention in a Department facility for more than six hours, regardless of age or type of offense. Regardless of the nature of the offense or status of the investigation, juveniles **shall** be released to a parent, guardian, responsible relative or adult designated by the parent, or transported to a Los Angeles County Probation Department juvenile detention facility prior to the expiration of the six-hour temporary detention time limit.*”

#### **Audit Procedures**

The Secure Juvenile Detention Log or Non-Secure Juvenile Detention Log was reviewed to determine whether juvenile arrestees were held in temporary detention in a Department facility for more than six hours.

The Department met the standard if the juvenile detention was less than or equal to six hours. Of the 66 Juvenile Arrests involving subjects *13 and Under* evaluated, one was never brought to a Department facility, one was never logged in, and another detention log was unable to be located. These three arrests were not evaluated, leaving 63 detention logs to evaluate.

Of the 93 Juvenile Arrests involving subjects *14 and Over* evaluated, documentation did not indicate that one subject was brought to a Department facility for detention purposes. This arrest was not were not evaluated, leaving 92 detention logs to evaluate.

## Findings

Each (100%) of the 63 *13 and Under* Juvenile Arrests met the standard for this objective.

Ninety (98%) of 92 *14 and Over* Juvenile Arrests met the standard for this objective. The two Juvenile Arrests that did not meet the standard for this objective are detailed below.

- Hollenbeck - DR No. 150400750 – Unable to determine, log was incomplete (time subject left facility, the total time in facility and release type were left blank).
- Newton - DR No. 151311813 – Subject was entered onto two detention logs (because he left and returned to the facility) with a total detention time in the facility of seven hours and 15 minutes.

The absence of detention times and exceeding the mandated six hours in a law enforcement facility puts the Department at risk of liability and may lead to litigation. Additionally, this is out of compliance with State law, as well as Department policy. Communication with supervisors from the involved geographic Areas indicated an understanding of the oversight and recognized the importance of documenting and monitoring the subject's detention, therefore precautions must be taken to ensure that the subjects do not exceed six hours of detention in a law enforcement facility.

### **Objective No. 10 – Gladys R. Questionnaire**

#### **Criteria**

Department Manual Section 4/202.30, Advisement of Constitutional Rights per Welfare and Institutions Code 625-Minors, states, *"When a minor under the age of 14 years is suspected of committing a crime, and the officer plans on interrogating the minor, the minor's section of the Gladys R. questionnaire shall be completed after the Miranda admonition has been given, but before the questioning begins. The parent, guardian, or other responsible adult section may be completed anytime prior to filing the case with the District Attorney's office. The purpose of the Gladys R. Questionnaire is to assist the District Attorney's office in proving that the minor understood the wrongfulness of his/her act."*

*"Note: A Gladys R. Questionnaire is **not** required if the minor is only being admonished per 625 WIC."*

#### **Audit Procedures**

The arrest packages were examined to determine if a Gladys R. Questionnaire (In-House Form 20) was completed.

The Department met the standard if a Gladys R. Questionnaire was completed when the juvenile was under the age of 14 and interrogation occurred.

Of the 66 Juvenile Arrests evaluated, 19 did not require a Gladys R. Questionnaire due to the fact that there was no interrogation/statement made, leaving 47 to be evaluated.

#### **Findings**

Thirty-one (66%) of 47 Juvenile Arrests met the standard for this objective. The 16 Juvenile Arrests that did not meet the standard for this objective are detailed in Table No. 10.

**Table No. 10 – Gladys R. Questionnaire Findings**

<b>Area</b>	<b>Gladys R. Questionnaire Not Located</b>	<b>Gladys R. Questionnaire Incomplete</b>
Northeast	2	
Newton	1	
Foothill	1	
Topanga	1	
77 <sup>th</sup> Street	2	1 (Parent Section not completed)
Southeast	2	2 (Parent Sections not completed)
Southwest		2 (Parent Sections not completed)
North Hollywood		1 (Parent Section not completed)
Wilshire		1 (Missing Page 2 of Questionnaire)

Based on the 16 findings (34%) of 47 Gladys R. Questionnaires reviewed, this appears to be an issue that needs to be addressed. Communication with supervisors from the involved geographic Areas indicated an understanding of the issues and ensured actions will be taken to complete the Gladys R. Questionnaire.

### **RECOMMENDATIONS**

It is recommended that Office of Operations create a plan of action to address issues identified within Objective Nos. 5, 6, and 10.

### **ACTIONS TAKEN/MANAGEMENT'S RESPONSE**

1. Each of the findings was validated with the Commanding Officers at each Area.
2. The audit report was presented to the Commanding Officer, Juvenile Division, the Director, Police Training and Education, and the Director, Office of Operations.
3. The audit report was provided to the Assistant to the Director, Office of Operations, who expressed general agreement with the audit findings.
4. An Intradepartmental Correspondence, Form 15.02.00, was submitted by the Director, Office of Operations in response to the audit findings. See Addendum.



## INTRADEPARTMENTAL CORRESPONDENCE

May 25, 2016

11.2

**TO:** Commanding Officer, Audit Division

**FROM:** Director, Office of Operations

**SUBJECT:** JUVENILE ARREST PROCEDURES AUDIT

The purpose of this Intradepartmental Correspondence is to address the deficiencies noted in the Juvenile Arrest Procedures Audit conducted by Audit Division.

It should be noted that in response to prior audits conducted by Audit Division, Special Order No. 13, dated April 30, 2015 was issued, which addressed many of the deficiencies identified in prior audits. For this current audit, Audit Division examined juvenile arrest reports from January, 2015 through June, 2015 (for 13 and under juveniles) and May, 2015 through June, 2015 (for 14 and over juveniles). Thus, Audit Division was examining reports that occurred either before Special Order No. 13 was issued, or reports that occurred within 2 deployment periods of Special Order No. 13.

In accordance with the Fiscal Year (FY) 2015/2016 Annual Audit and Inspection Plan, Audit Division (AD) conducted the Juvenile Arrest Procedures Audit. The purpose of the audit was to evaluate the arrests for quality and adherence to Department policies and procedures. The following objectives were utilized to evaluate this process.

Objective No.	Description	13 and Under Results	14 and Over Results
1	Juvenile Arrest Supplemental Report	64/66 (97%)	90/93 (97%)
2	Miranda Rights Admonition	62/64 (97%)	90/90 (100%)
3	Parental Notification	59/64 (92%)	87/90 (97%)
4	Advisement of Telephone Calls	63/64 (98%)	89/90 (99%)
5	Timely Advisement of Telephone Calls	41/64 (64%)	60/90 (67%)
6	Documentation of Telephone Call Refusal	32/64 (50%)	60/90 (67%)
7	Watch Commander Inspection and Interview	58/66 (88%)	87/93 (94%)
8	Correct Detention Area	63/63 (100%)	92/92 (100%)
9	Length of Detention	63/63 (100%)	90/92 (98%)
10	Gladys R. Questionnaire	31/47 (66%)	N/A

Office of Operations has reviewed each objective listed and is in the process of making the following changes to best address the deficiencies noted in the audit report.

### **Objective No. 5 Timely Advisement of Telephone Calls**

Audit Procedures – The Juvenile Arrest Supplemental Reports (JASR) were reviewed to determine the timeliness of the telephonic advisements. For the purpose of this audit, “timeliness” is defined as the time of arrest and the time of advisement.

The Department met the standard if the juvenile arrest package contained documentation of timely telephone advisement.

The current Juvenile Arrest Supplemental Report, LAPD Form 05.02.06, is very wordy and not easy to follow. A form change is in process. For Objective No. 5, the JASR will be revised to include a clear heading, stating, “Officer Advisement of Juvenile Phone Calls: Officer shall advise juvenile of right of placing 2 calls within first hour and a third call within three hours. Any deviation from procedure must be articulated within comments section of this report.” This clearly sectioned heading, and fill-in boxes, will help to guide officers to accurately record the required information.

### **Objective No. 6 Documentation of Telephone Call Refusal**

Audit Procedures – Arrest report packages were reviewed to determine if the juvenile arrestee refused the right to make telephone calls, and if the refusal was properly documented on the JASR. The Department met the standard if the “Refusal” section was properly completed on the JASR and/or documented in the arrest report narrative.

The current Juvenile Arrest Supplemental Report, LAPD Form 05.02.06, is very wordy and not easy to follow. A form change is in process. For Objective No. 6, the JASR will be revised to include a table section that clearly allows officers to document if a juvenile refuses to make their allowed phone calls. This section will have a clear heading, stating “Documentation of Juvenile’s Phone Calls.” This clearly sectioned heading, Yes/No check-boxes, and fill-in boxes, will help to guide officers to accurately record the required information.

### **Objective No. 7 Watch Commander Inspection and Interview**

Audit Procedures – Each detention log was examined for documentation of the arrestee interview and inspection by a watch commander. Verification that the employee conducting such interview was assigned as the actual watch commander will be based on review of the Watch Commander’s Daily Report. If verification was unable to be made based on the Watch Commander’s Daily Report, the concerned supervisor’s Sergeant’s Daily Report (Form 18.49.00) was reviewed to verify the assumption of watch commander duties. Additionally, the rank of lieutenant was considered as holding the watch commander position.

The Department met the standard if the watch commander’s interview and inspection was documented on the Detention Log in accordance with Department procedures.

It should also be noted that 2 adverse findings in the 13 and Under category, and 3 findings in the 14 and Over category pertain to documenting the subject’s response to the three mandatory detention questions. Specifically, if the subject answered “No” to the first question, or “Yes” to

the second and/or third question, the audit opined that it was an adverse finding if there was no explanation of these responses.

However, the Department Manual section 4/216, Taking Persons into Custody, does not mandate that an explanation be given. Further, the Secure Juvenile Detention Log, Non-Secure Juvenile Detention Log, and Adult Detention Log only provide a space for explanation of detention responses, but do not have language that instructs a supervisor that they must explain.

While it is agreed that it is prudent that supervisors explain a detainee's responses to these three mandatory questions, especially when their answer is "No" to the first, and/or "Yes" to the second and third, it is not required by any LAPD Manual section or form.

A form change is in process, which will revise the LAPD Secure Juvenile Detention Log, Non-Secure Juvenile Detention Log, and Adult Detention Log to direct supervisors to explain the subject's responses to the three mandatory questions. The current text, "Detention Response Explanations" will be changed to, "For each checked shaded box, explain in Comments." The shaded boxes should be "No" for the first question; and, "Yes" for the second and third questions.

Lastly, the Department Manual, section 4/216, Taking Persons into Custody, will be revised to reflect the requirement of these explanations.

#### **Objective No. 10 Gladys R. Questionnaire**

Audit Procedures – The arrest packages were examined to determine if a Gladys R. Questionnaire (In House Form 20) was completed. The Department met the standard if a Gladys R. Questionnaire was completed when the juvenile was under the age of 14 and interrogation occurred.

A form change is in process, which will revise the section of the JASR that allows officers to record if the Gladys R. admonition was given to include the following language: "Gladys R. Admonition given and form attached? ☐ Yes ☐ No" This will allow an additional layer of accountability in addition to the supervisory review facilitated by the Arrest Report Approval Checklist, Form 15.02.15.

#### **Additional**

A form change is in process, which would revise the JASR to include a clear heading, stating, "Officer Notification: Within one hour of the juvenile being taken into custody the officer shall take steps to notify the juvenile's parent, guardian, or responsible relative." Along with this clearly sectioned heading and instruction, the form will be changed to include fill-in boxes, which will help guide officers to accurately record the required information.

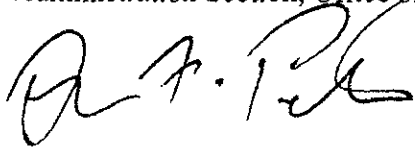
Commanding Officer, Audit Division

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The JASR also will be revised to increase the space allowed for officers to document required information.

If you have any questions, please contact Lieutenant Daniel Randolph, Evaluation and Administration Section, Office of Operations, at (213) 486-6050.

A handwritten signature in black ink, appearing to read "J. F. Peters", with a stylized flourish at the end.

JON F. PETERS, Commander  
Assistant to the Director  
Office of Operations