

INTRADEPARTMENTAL CORRESPONDENCE

June 9, 2016
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: FOOTHILL AREA DETECTIVE COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT (AD NO. 15-088)

RECOMMENDED ACTIONS

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

DISCUSSION

The Detective Command Accountability Performance Audits are intended to assess the various operations and functions conducted within a Detective Division and provide timely and useful feedback to Detective Division commanding officers regarding these operations and functions. The areas evaluated include detective work product, search and Ramey warrants, case clearances, case categorization, supervisory roles, and the Division's felony warrant files.

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

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT

*FOOTHILL AREA DETECTIVE COMMAND
ACCOUNTABILITY PERFORMANCE AUDIT*

(AD No. 15-088)



Conducted by
AUDIT DIVISION

CHARLIE BECK
Chief of Police

June 2016

TABLE OF CONTENTS

Foothill Area Detective Command Accountability Performance Audit

Page
No.

Executive Summary	i
Purpose	1
Background	1
Prior Audits	1
Methodology	2
Summary of Findings	2
Detailed Findings	2
Objective No. 1 - Evaluation of Detective Work Product	2
Objective No. 1(a) - Evaluation of Case Envelopes	3
Objective No. 1(b) - Evaluation of Search/Ramey Warrants	6
Objective No. 2 - Evaluation of Case Clearances	8
Objective No. 2(a) - Evaluation of Unfounded Cases	8
Objective No. 2(b) - Evaluation of Cases Cleared Other	9
Objective No. 2(c) - Evaluation of Multiple Case Clearances	11
Objective No. 3 - Evaluation of Case Categorization	13
Objective No. 4 - Evaluation of Supervisory Releases	15
Objective No. 5 - Evaluation of the Detective Section's Felony Warrant Files	15
Recommendations	17
Actions Taken/Management's Response	17
Addendum – Response to the Foothill Area Detective Command Accountability Performance Audit	

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

PURPOSE

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

PRIOR AUDITS

No prior Detective CAPAs have been conducted in Foothill Area by AD.

SUMMARY OF FINDINGS

The majority of the findings not meeting the standards were identified in the following objectives:

- Objective No. 1(a) – Evaluation of Case Envelopes;
- Objective No. 1(b) – Evaluation of Search/Ramey Warrants;
- Objective No. 2(b) – Evaluation of Cases Cleared Other;
- Objective No. 3 – Evaluation of Case Categorization; and,
- Objective No. 5 – Evaluation of the Detective Section’s Felony Warrant Files.

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Summary of Audit Findings

Objective No.	Description	Total Reviewed	Total Meeting Standards	Percentage Meeting Standards
1. Evaluation of Detective Work Product				
1(a)	Evaluation of Case Envelopes	18	15	83%
1(b)	Evaluation of Search/Ramey Warrants	5	3	60%
2. Evaluation of Case Clearances				
2(a)	Evaluation of Unfounded Cases	6	6	100%
2(b)	Evaluation of Cases Cleared Other	60	51	85%
2(c)	Evaluation of Multiple Case Clearances	8	8	100%
3. Evaluation of Case Categorization		55	53	96%
4. Evaluation of Supervisory Releases		N/A	N/A	N/A
5. Evaluation of the Detective Section's Felony Warrant Files		57	35	61%

RECOMMENDATIONS

None.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Audit Division discussed the audit report with the Commanding Officer, Foothill Area, who indicated general agreement with the audit findings. Foothill Area subsequently provided a detailed list of corrective actions taken for the identified findings.

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

**FOOTHILL AREA DETECTIVE COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT**

**Conducted by
Audit Division
Fiscal Year 2014/15**

PURPOSE

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

Audit Division conducted this audit under the guidance of Generally Accepted Government Auditing Standards,¹ specifically pertaining to performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for 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

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

Foothill Area Detective Section consists of the following investigative tables:

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

PRIOR AUDITS

No prior Detective CAPAs have been conducted in Foothill Area.

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

METHODOLOGY

Scope

The audit included the review of Detective Initiated Arrests (DIAs)/reports: Arrest Reports, Form 05.02.00, and associated documents, Investigative Reports, Form 03.01.00, Follow-up Investigation reports, Form 03.14.00, Search/Ramey Warrant Packages, and Detective Section’s Felony Warrant Files. All reports were reviewed for supervisory and detective roles.

The audit period under review was February 2015. If a detective table had no reports during the audit period, auditors attempted to obtain additional reports from the prior two months (December 2014 and January 2015). However, if a table was not listed, it meant there were no reports identified, or there were no findings to report.² The audit steps employed are further delineated under each audit objective.

Fieldwork

Fieldwork was performed between March 23, 2015, and July 10, 2015.

SUMMARY OF FINDINGS

Summary of Audit Findings

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2(c)	Evaluation of Multiple Case Clearances	8	8	100%
3. Evaluation of Case Categorization		55	53	96%
4. Evaluation of Supervisory Releases		N/A	N/A	N/A
5. Evaluation of the Detective Section’s Felony Warrant Files		57	35	61%

DETAILED FINDINGS

Objective No. 1 – Evaluation of Detective Work Product

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

²This methodology was utilized for all the objectives and sub-objectives, with the exception of Objective No. 5.

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

Criteria

Each Detective Case Envelope was examined for the following:

Legality of Arrest

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

Approval of Reports

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

Medical Treatment of Unbooked Arrestees

Department Manual Section 4/648.10, Medical Treatment of Unbooked Arrestees, states, “*An officer having custody of an unbooked arrestee who is, or complains of being, ill, injured or in need of medication shall:*

- *Cause the arrestee to be examined at a Department Jail Dispensary, a Los Angeles County Medical Center, or a Department contract hospital”;*

Legality of Any Search Conducted

Department Manual Section 4/217, Searches of Suspects and Arrestees, states, “*When the rules of search and seizure permit, an arrestee shall be thoroughly searched as soon as practicable.*”

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

Use of Miranda

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

- *Officers shall read the Miranda admonition verbatim as delineated in the Officer’s Notebook, Form 15.03.00”;*
- *“Officers shall document the suspect’s responses to the Miranda admonition in the appropriate report”;*

Purpose of Investigator’s Final Report

Detective Operations Manual Volume I, Section 300.01, Purpose of Form, states, “*The Investigator’s Final Report, Form 5.10, is the Department form used to record booking disposition and arrestee personal data/background information. Obtaining accurate information may aid officers in future investigations to locate suspects, associates and witnesses.*”

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

Supervisor Reviewing of Investigator’s Final Report

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

Juvenile Arrest Procedures

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

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

Booking approval for all juvenile bookings shall only be obtained from the Area watch commander or the Watch Commander, Metropolitan Jail Section, Jail Division. Advice for a juvenile booking shall be obtained from the concerned Area Detective Division. When that division is closed, the concerned Area watch commander shall be contacted."

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

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

Booking of Evidence

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

***Evidence.** Property taken from an arrestee which has, or may have, evidential value must be booked as Evidence. A Receipt for Property Taken into Custody, Form 10.10.00, must be issued to the arrestee at the time that the property is removed from his/her person or control. When circumstances make the immediate completion of the Form 10.10.00 impractical, it must be issued as soon as possible after the property is taken into Department custody."*

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

Audit Procedures

Auditors reviewed Detective Case Envelopes completed for cases involving DIAs. Documents reviewed included arrest reports and associated documents completed by all detective personnel assigned to Foothill Area during the audit period. The Detective Case Envelopes were evaluated to determine whether there was sufficient articulation of the legal basis for all actions taken (e.g., detentions, arrests, and searches), for the overall chronology of arrest events, specifically whether a detainee was interrogated regarding his/her participation in criminal activity, for evidence of Miranda Rights violations, and if all policies and procedures established in the Department and Detective Operations Manual were followed.

Audit Division identified 18 Case Envelopes (one from the Autos table, two each from the Robbery and Sex Assault tables, four each from the Homicide and MAC tables and five from the CAPS table). A copy of each Case Envelope was obtained directly from Foothill Area Detective Section.

Findings

Fifteen (83%) of 18 cases evaluated met the standards for this objective. The cases that did not meet the standard are detailed below.

MAC Table

- Booking No. 4225947 – The Investigator’s Final Report, Form 05.10.00, was not approved by a supervisor as required, and the “Adult” box on the Case Envelope was not checked.

Robbery Table

- Booking No. 4201269 – There were no Miranda responses documented in the arrest report or the associated follow-up report; and there was no supervisor signature on the Investigator’s Final Report, as required.

Sexual Assault Table

- Booking No. 4187883 – The victim and the subject in this case were not given a Receipt For Property Taken Into Custody, Form 10.10.00.

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

Criteria

Each search/Ramey warrant package was examined for the following:

Search/Ramey Warrant Procedures

Department Manual Section 4/742.10, Search Warrant and Probable Cause Arrest Warrant Procedures, states, “*Officer’s Responsibility. An officer obtaining a search or Ramey warrant shall*”;

“*Upon obtaining a search or Ramey warrant issued by a magistrate, complete all the required information on the Warrant Tracking Log.*”

“*Commanding Officer’s Responsibilities.*

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

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

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

Audit Procedures

This audit objective included the review of search/Ramey warrant packages completed by Detective personnel during the audit period. A review of Foothill Area Warrant Tracking Logs (WTL), Form 08.17.05, revealed there were five search/Ramey warrants served during the audit period where a detective was the affiant. The search warrant packages were reviewed to determine if the following Department policy and procedures from the Search Warrant and Department Manual were followed:

- The magistrate approved the search warrant and affidavit prior to service;
- The search warrant was properly documented on the WTL;
- The search warrant was served within the required ten-day period;
- The Warrant Service/Tactical Plan (Tac Plan) Report, Form 12.25.00, and Return to Search Warrant were completed;
- The commanding officer or designee initialed page one of the Tac Plan;
- The information documented on the Return to Search Warrant (location, vehicle, person(s) and description, etc.) was consistent with the information documented in the affidavit;
- The Employee Comment Sheet(s), Form 01.77.00, adequately addressed, at a minimum, the six items listed in Manual Section 4/742.10, Search Warrant And Probable Cause Arrest Warrant Procedures;
- The warrant affidavit contains a description of the person, places and vehicles to be searched;
- The warrant affidavit contains a description of the property to be seized and/or the person to be arrested;
- Proper use of confidential informants (if applicable); and,
- There was consistency between the evidence seized and the description of the property to be seized as documented in the search warrant.

Audit Division identified five search/Ramey warrant packages (one from the Autos table and two each from the Sex Assault and Homicide tables). A copy of each search/Ramey warrant package was obtained directly from Foothill Area Detective Section.

Findings

Three (60%) of five search/Ramey warrants evaluated met the standards for this objective. The two that did not meet the standard are detailed below.

Homicide Table

- Search Warrant No. 15SR025 – The supervisor’s serial number was missing on all five pages of the search warrant.
- Search Warrant No. 15SR040 – The search warrant was returned two days late, there was no request made for an extension.

Objective No. 2 – Evaluation of Case Clearances

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

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

Criteria

Each Unfounded report was examined for the following:

Report Unfounded

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

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

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

Audit Procedures

This objective included the review of Unfounded cases completed by detectives during the audit period. Unfounded cases were evaluated to determine whether the classification was appropriate

per Department policy and procedures. All forms were reviewed for completeness and for the legality of the officers' actions.

Audit Division identified six Unfounded cases (one from the CAPS table, two from the Sexual Assault table and three from the Autos table). A copy of each report was obtained directly from Foothill Area Detective Section.

Findings

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

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

Criteria

Each Cleared Other report was examined for the following:

Cleared Other

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

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

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

Audit Procedures

This objective included the review of Cleared Other cases completed by detectives during the audit period. Cleared Other cases were evaluated to determine whether the classification was appropriate per Department policy and procedures. All forms were reviewed for completeness and for the legality of the officers' actions.

Audit Division identified 60 Cleared Other cases (one from the Juvenile table, four from the Robbery table, five each from the Burglary, Autos and Sexual Assault tables and twenty each from the MAC and CAPS tables). A copy of each report was obtained directly from Foothill Area Detective Section.

Findings

Fifty-one (85%) of 60 Cleared Other cases met the standards for this objective. The cases that did not meet the standard are detailed below.

Autos Table

- DR No. 151604811 – The investigation involved the crime of Vandalism. The investigative report stated that the suspect damaged the victim's vehicle after a road rage incident. The suspect had not been identified. The Follow-Up Investigation Report case status box was marked Cleared Other. The case status in the narrative of the report indicated Investigation Continued; therefore, it should have been classified as Investigation Continued.

CAPS Table

- DR No. 141601194 – The investigative report involved the crime of battery. The suspect punched the victim after a verbal dispute. The suspect rented a room from the victim's mother. While the suspect's identity was confirmed, the suspect moved from the location and his current location was unknown to the investigating officer; therefore, this investigation should have been classified as Investigation Continued.
- DR No. 151604964 – The investigative report indicated that the suspect contacted the victim multiple times via electronic messages, sending harassing messages. While the suspect was known to the victim through a mutual friend, the suspect denied sending the messages to the victim, and there was no evidence to confirm that the suspect sent the messages. Therefore, this investigation should have been classified as Investigation Continued.

MAC Table

- DR No. 141617056 – The investigative report involved the crime of Spousal Abuse (Simple Assault). The victim and suspect had dated for approximately five years. During an argument, the suspect slapped the victim. The investigating officer attempted to contact the suspect at his listed residence. The suspect's brother advised that the suspect did not live at the location. The suspect's current residence and whereabouts were unknown to the investigator. Therefore, this investigation should have been classified as Investigation Continued.
- DR No. 151604885 – The suspect was the ex-boyfriend of the victim. The victim stated that she currently has a restraining order against the suspect. The suspect contacted the victim several times, in violation of the restraining order. There was no address listed for the suspect on the investigative report, or the follow-up report. This investigation does not meet the criteria for Cleared Other; therefore, it should have been classified as Investigation Continued.
- DR No. 151604904 – The victim and suspect became involved in an argument. During the argument, a physical struggle ensued. The victim was punched by the suspect and dropped

his phone during the struggle. The suspect fled from the location in his vehicle after crashing into the victim's gate, causing damage to the victim's property. The City Attorney's Office set the matter for a City Attorney Hearing. This investigation does not meet the criteria for Cleared Other; therefore, it should have been classified as Cleared by Arrest.

- DR No. 151604432 – The investigative report involved the crime of Cohabitant Abuse. The victim and the suspect became involved in a verbal dispute, which resulted in the suspect choking and slapping the victim. When the investigating officer contacted the victim, she advised him that the suspect had moved out of her residence. The suspect's current residence and whereabouts were unknown to the investigator. This investigation did not meet the criteria for Cleared Other; therefore, it should have been classified as Investigation Continued.
- DR No. 141615388 – The investigative report involved the crime of Sexual Battery. The suspect was the grandfather of the victim. The eight year old victim was sitting on the suspect's lap when the suspect touched her vagina, skin to skin. The victim said that a second incident occurred a week later. The suspect was subsequently kicked out of the house by the victim's mother. The suspect did not return. The suspect's current residence and whereabouts were unknown to the family and detectives. This investigation did not meet the criteria for Cleared Other; therefore, it should have been classified as Investigation Continued.
- DR No. 151604713 – The victim and suspect were dating for two years. In February 2013, the victim was at the suspect's residence and the suspect forcibly pulled the victim's pants down and raped the victim. Detectives went to the suspect's last known address. A tenant at the location advised that the suspect's family moved out two years ago. Department resources were utilized to locate the suspect with negative results. The suspect's whereabouts were unknown to detectives. This investigation did not meet the criteria for Cleared Other; therefore, it should have been classified as Investigation Continued.

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

Criteria

Each Multiple case clearance report was examined for the following:

General completion instructions – Follow-Up to Multiple Reports.

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

- *The **MULTIPLE** box shall be checked.*
- *Record the date the Form 3.14 is completed and submitted for approval.*

- *DR numbers shall be listed in ascending order under the appropriate case status. Record the Master DR number in the **DR** box. [The Master DR number is the oldest one, considering all the numbers.]*

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

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

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

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

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

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

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

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

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

Audit Procedures

This objective included the review of Multiple case clearances completed by detectives during the audit period. Multiple case clearances were evaluated to determine whether the classification was appropriate per Department policy and procedures. All forms were reviewed for completeness and for the legality of the officers' actions.

Audit Division identified eight Multiple case clearances (five from the CAPS table, two from the Robbery table and one from the Sex Assault table). A copy of each report was obtained directly from Foothill Area Detective Section.

Findings

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

Objective No. 3 – Evaluation of Case Categorization

Criteria

Each Category Two case was examined for the following:

Case Categorization

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

- *Suspect's Identity*
 - *Named suspect (including moniker) or associate*
 - *Physical evidence that could identify suspect*
 - *Possible address or location which the suspect frequents*
 - *Victim/witness could possibly identify suspect from a live or photographic show-up*
- *Vehicle*
 - *License number and/or vehicle description*
- *Seriousness of the Crime*
 - *Death or injury to victim/witness*
 - *Degree of potential hazard to the victim, witness and/or public*
 - *Sex crime involved*
 - *Weapon, force or threat used*

- *Property*
 - *Amount of property loss (amount is at commanding officer's discretion)*
 - *Serialized firearm*
 - *Other serialized articles*
 - *Uniquely described articles*
- *Investigative Knowledge*
 - *Major crime patterns (MO)*
 - *MOs of known suspect's*

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

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

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

Audit Procedures

This objective included the review of Category Two cases completed by detectives during the audit period. Category Two cases were evaluated to determine whether the classification was appropriate per Department policy and procedures. All forms were reviewed for completeness and for the legality of the officers' actions.

Audit Division identified 55 Category Two cases (20 each from the Autos and Burglary tables and five each from the CAPS, Robbery and Sexual Assault tables). A copy of each report was obtained directly from Foothill Area Detective Section.

Findings

Fifty-three (96%) of 55 cases reviewed met the standards for the objective. The cases that did not meet the standard are detailed below.

Burglary Table

- DR No. 151605373 – The case involved the crime of Petty Theft. The investigative report listed a physical description of the suspect including the clothing worn. In the report, the victim advised that an employee of the business had video surveillance of the suspect taking

the victim's property. The employee stated that prior to taking the property the suspect was seen on video making a car payment for another person. This case had a significant lead and therefore should have been categorized as Category One.

CAPS Table

- DR No. 151600593 – The case involved the arrest of a suspect for resisting a police officer. The suspect was taken into custody and processed for court without the completion of a follow-up report. Therefore, this case should have been classified as Category One.

Objective No. 4 – Evaluation of Supervisory Releases

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

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

Criteria

Each Felony Warrant file was examined for the following:

Warrant Packages

Detective Operations Manual Volume II, Section 1300.15, Arrest Warrant Packages, states, "The warrant package should be submitted to a detective supervisor within 10 working days after the warrant has been issued. The Detective's Case Envelope, Form 15.15, serves as the warrant package. The face of the envelope shall contain:

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

The contents shall include but are not limited to:

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

- *A copy of the Official Police Bulletin, if requested, and a copy of the Request for Police Bulletin, Form 15.32*

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

- *Due Diligence Investigation Checklist, Form 12.24"*

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

Audit Procedures

This objective included the review of Foothill Area Detective Section's felony warrant files. Detective Section's felony warrant files were evaluated to determine whether they contained all required documents and if the documents were completed properly per Department policy and procedures.

Audit Division utilized the Fugitive Warrant Section website to obtain the most recent list of felony arrest warrant packages which were required to be maintained by Foothill Area Detective Section. Auditors identified 135 felony arrest warrant packages.

A random sample of 57 felony arrest warrant packages was selected. The sample was calculated by using a one-tail test with a 95 percent confidence level with a four percent error rate, making the sample statistically valid.

Findings

Thirty-five (61%) of 57 warrant packages met the standards for this objective. The 22 that didn't meet the standards could not be located in the Foothill Area Detective Section warrant files.

Warrant Nos. – LASPA08311501, LAVLA07982901, LASPA06725701, LASPA06093301, LAVLA07063801, LASPA06713201, LASPA06288701, LASPA06000701, LASPA05938701, LASPA07812301, LASPA01471301, LASPA02847601, LASPA01452701, LASPA01222501, LASPA00589401, LASA71070901, LASA70685101, LASA70525601, LASA70131801, LASA70070901, LAVA80482001, LAVA14735803.

RECOMMENDATIONS

None.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Audit Division discussed the audit report with the Commanding Officer, Foothill Area, who indicated general agreement with the audit findings. Foothill Area subsequently provided a detailed list of corrective actions taken for the identified findings.

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

INTRADEPARTMENTAL CORRESPONDENCE

ADDENDUM

November 16, 2015
7.2

RECEIVED

NOV 24 2015

TO: Commander Officer, Audit Division

Internal Audits & Inspections Division

FROM: Commanding Officer, Foothill Area

SUBJECT: OPERATIONS VALLEY BUREAU- Foothill Area Detective
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT 2014/15

Foothill Area has reviewed Foothill Area Detective Command Accountability Performance Audit (CAPA) conducted by Audit Division during Fiscal Year 2014/15. The audit listed several findings attributed to Foothill Area detectives related to multiple Audit Objectives.

Foothill Area has reviewed the audit and is in general agreement with the findings. Irregularities identified are summarized below with responses to each.

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

Findings

Fifteen (83%) of the 18 cases evaluated met the standards for this objective. The cases that did not meet the standard are detailed below:

MAC Table

- *Booking No. 4225947* – The Investigator’s Final Report, Form 05.10.00, was not approved by a supervisor as required, and the “Adult” box on the case package was not checked.

Robbery Table

- *Booking No. 4201269* – There were no Miranda responses documented in the arrest report or the associated follow-up report; and there was no supervisor signature on the Investigator’s Final Report, as required.

Sexual Assault Table

- *Booking No. 4187883* – The victim and the subject in this case were not given a Receipt For Property Taken Into Custody, Form 10.10.

Response

The concerned Table Coordinators discussed these issues with their respective subordinate table personnel and provided training. The specific involved detective personnel are no longer assigned to Foothill Area. The Detective Commanding Officer held a detective supervisor meeting for Foothill Area on November 5, 2015, to discuss these findings and provide training. A detective squad meeting is scheduled for November 24, 2015, to review these findings and to provide training to all detective personnel.

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

Findings

Three (60%) of the five search/Ramey warrants evaluated met the standards for this objective. The two that did not meet the standard are detailed below:

Homicide Table

- *Search Warrant No. 15SR025* – The supervisor's serial no. is missing on all five pages of the search warrant.
- *Search Warrant No. 15SR040* – The search warrant was returned two days late, there was no request made for an extension.

Response

The Detective Commanding Officer reviewed both of the search warrants identified with findings and verified that no criminal case was affected by the noted administrative oversights. Proper review and evaluation of the search warrants was provided before service, however the reviewing supervisor only initialed the pages of the search warrant rather than initial and provide their serial number as directed in the manual. The Detective Commanding Officer met with the responsible detective supervisor to discuss the findings and provide training.

A meeting was held for Foothill Area detective supervisors on November 5, 2015, to discuss these findings and provide training. A detective squad meeting is scheduled for November 24, 2015, to review these findings and to provide training to all detective personnel.

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

Findings

Fifty-one (85%) of the 60 Cleared Other cases met the standards for this objective. The cases that did not meet the standard are detailed below:

Autos Table

- *DR No. 151604811* – The investigation involved the crime of Vandalism. The Investigative Report, Form 03.01.00, stated that the suspect damaged the victim's vehicle after a road rage incident. The suspect has not been identified. The Follow-Up Investigation Report, Form 03.14.00, case status box is marked Cleared Other. The case status in the narrative of the report indicates Investigation Continued. Therefore, this investigation should be classified as Investigation Continued.

CAPS Table

- *DR No. 141601194* – This investigative Report, involves the crime of Battery. The suspect punched the victim after a verbal dispute. The suspect rents a room from the victim's mother. While the suspect's identity has been confirmed, the suspect has moved from the location and his current location and residence is unknown to the investigating officer. Therefore, this investigation should be classified as Investigation Continued.
- *DR No. 151604964* – The investigative report indicates that the suspect contacted the victim multiple times via electronic messages and social media, sending harassing messages. While the suspect in this investigation is known to the victim through a mutual friend, the suspect denied sending the messages to the victim, and there is no evidence to confirm that the suspect sent the messages. Therefore, this investigation should be classified as Investigation Continued.

MAC Table

- *DR No. 141617056* – The investigative report involves the crime of Spousal Abuse (Simple Assault). The victim and suspect have been dating for approximately five years. During an argument, the suspect slapped the victim. The investigating officer attempted to contact the suspect at his listed residence. The suspect's brother advised that the suspect does not live at the location. The suspect's current residence and whereabouts are unknown to the investigator. Therefore, this investigation should be classified as Investigation Continued.
- *DR No. 151604885* – The suspect is the ex-boyfriend of the victim. The victim stated that she currently has a restraining order against the suspect. The suspect contacted the victim on several occasions, in violation of the restraining order. There is no address listed for the suspect on the investigative report, or the follow-up report. This investigation does not meet the criteria for Cleared Other. Therefore, this investigation should be classified as Investigation Continued.
- *DR No. 151604904* – The victim and suspect became involved in an argument. During the argument, a physical struggle ensued. The victim was punched by the suspect and dropped his phone during the struggle. The suspect fled from the location in his vehicle after crashing into the victim's gate, causing damage to the victim's property. The city attorney's office set the matter for a City Attorney Hearing. This investigation does not meet the criteria for Cleared Other. Therefore, this investigation should be classified as Cleared by Arrest.