

INTRADEPARTMENTAL CORRESPONDENCE

September 28, 2016
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: WILSHIRE AREA DETECTIVE COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT (AD NO. 15-090)

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners REVIEW and APPROVE the attached Wilshire 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 operations and functions conducted within a specific 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 and evaluation of 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

*WILSHIRE AREA DETECTIVE COMMAND
ACCOUNTABILITY PERFORMANCE AUDIT*

(AD No. 15-090)



Conducted by
AUDIT DIVISION

CHARLIE BECK
Chief of Police

October 2016

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**EXECUTIVE SUMMARY
WILSHIRE AREA DETECTIVE
COMMAND ACCOUNTABILITY PERFORMANCE AUDIT
Conducted by
Audit Division
Fiscal Year 2015/16**

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year 2015/16, Audit Division conducted the Wilshire Area Detective Command Accountability Performance Audit (CAPA). The Detective 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 Wilshire Detective Area Commanding Officer related to specific detective procedures.

PRIOR AUDITS

No prior Detective CAPAs have been conducted within Wilshire Area by AD.

SUMMARY OF FINDINGS

Summary of Audit Findings

Objective No.	Description	Total Meeting Standards	Total Reviewed	Percentage Meeting Standards
1. Evaluation of Detective Work Product				
1(a)	Evaluation of Case Envelopes	10	13	77%
1(b)	Evaluation of Search/Ramey Warrants	5	5	100%
2. Evaluation of Case Clearances				
2(a)	Evaluation of Unfounded Cases	18	20	90%
2(b)	Evaluation of Cases Cleared-Other	24	25	96%
2(c)	Evaluation of Multiple Case Clearances	2	3	67%
3. Evaluation of Case Categorization		118	119	99%
4. Evaluation of the Detective Section's Felony Warrant Files		52	68	76%

RECOMMENDATIONS

None.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Audit Division discussed the audit report with the Commanding Officer, Wilshire Area, who indicated general agreement with the audit findings, and subsequently provided a written response with corrective actions taken for the 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.

**WILSHIRE AREA DETECTIVE COMMAND ACCOUNTABILITY
PERFORMANCE AUDIT**

**Conducted by
Audit Division
Fiscal Year 2015/16**

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year 2015/16, Audit Division conducted the Wilshire Area Detective Command Accountability Performance Audit (CAPA). The Detective 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 Wilshire Detective Area Commanding Officer (CO) related to specific detective procedures.

Audit Division conducted this performance 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 and to identify, arrest, and assist with the prosecution of law violators. Additionally, the Department makes every reasonable effort to recover property, identify the rightful owner, and ensure the prompt return of the respective property. Each of the geographic Areas has a Detective Section consisting of a variety of investigative tables.

Wilshire Area Detective Section consists of the following investigative tables:

- Autos;
- Burglary;
- Theft;
- Juvenile;
- Major Assault Crimes (MAC); and,
- Robbery.

PRIOR AUDITS

No prior Detective CAPAs have been conducted within Wilshire Area.

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

SCOPE AND METHODOLOGY

Scope

The audit included the review of Detective Initiated Arrests (DIAs)/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 October 2015. If a detective table had no reports during the audit period, auditors attempted to obtain additional reports from the prior two months (September and August 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 January 13, 2016, and March 21, 2016.

SUMMARY OF FINDINGS

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DETAILED FINDINGS

Objective No. 1 – Evaluation of Detective Work Product

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

²This methodology was utilized for all of 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 Admonition

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 0510.00, 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 05.10.00, shall be initiated during the booking process or as soon as practical after information requiring its initiation has been learned. A 05.10.00, 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 05.10.00 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 05.10.00 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, 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."*

Manual of Juvenile Procedures, Chapter 17, 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 shall 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 during the audit period. The Detective Case Envelopes and arrests were evaluated to determine whether it sufficiently articulated 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

violation, and whether all of the aforementioned policies and procedures established in the Department Manual and Detective Operations Manual were followed.

Audit Division identified 13 Case Envelopes (five from the Burglary table, four from the MAC table and four from the Robbery table). A copy of each Case Envelope was obtained directly from the Detective Section.

Findings

Ten (77%) of the 13 cases evaluated met the standards for this objective. The cases that did not meet the standard are detailed below:

Burglary Table

- *Booking No. 4419996* – The name of the approving watch commander in the arrest narrative and booking approval did not match. The Investigator's Final Report was not complete; the disposition of charge indicated that the case was a District Attorney (DA) reject; however, the Follow-Up Investigation indicated the DA filed the case and it was Cleared by Arrest. Additionally, the Arrest Report stated a Receipt for Property Taken into Custody was issued; however, auditors were unable to locate a copy in the arrest package.

Robbery Table

- *Booking No. 4479879* – The victim was not provided a Marcy's Rights Card. The watch commander documented the arrestee had a preexisting injury to his left ankle on the Adult Detention Log, Form 06.19.00; however, the arrest report did not indicate the arrestee received medical treatment prior to booking. The Deputy District Attorney (DDA) requested further investigation; however, the Follow-Up Investigation did not indicate further investigation was conducted and if so, whether the new information was presented to the DDA for review.
- *Booking No. 4479882* – The Detective's Case Envelope, Form 15.15.00, was not completed or approved by a supervisor. The victim was not provided a Marcy's Rights Card. The watch commander who approved booking was not listed in the narrative and the juvenile disposition on the bottom of the arrest face sheet was incomplete and not approved by a supervisor.

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, the officer obtaining the warrant shall complete all the required information on the Warrant Tracking Log.”

“Commanding Officer’s Responsibilities.

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

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

Los Angeles County District Attorney’s Office 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 the Warrant Tracking Logs (WTLs), Form 08.17.05, determined there were five search/Ramey warrants (three from the Burglary table, one from the MAC table, and one from the Robbery table) served during the audit period, where a detective was the affiant. The search warrant packages were reviewed for the following:

- 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 CO 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 contained a description of the person, places and, vehicles to be searched;
- The warrant affidavit contained 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.

A copy of each search/Ramey warrant package was obtained directly from the Detective Section.

Findings

Each (100%) of the five search/Ramey warrants evaluated met the standards for this objective.

Objective No. 2 – Evaluation of Case Clearances

Wilshire 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 policies 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, or 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 may be unfounded; and,*
- *“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 policies and procedures.

Audit Division identified 20 Unfounded cases (three from the Autos table, five from the Burglary table, three from the MAC table, four from the Robbery table, and five from the Theft table). A copy of each report was obtained directly from the Detective Section.

Findings

Eighteen (90%) of the 20 cases reviewed met the standards for the objective. The cases that did not meet the standard are detailed below:

Auto Table

- *DR. No. 15-0715923* - Two Investigative Reports were taken for the same crime/victim. One report was taken telephonically at Wilshire Area on October 14, 2015, at 1315 hours. The other report was taken by a Hollywood Area desk officer (DR No. 15-0715947) on October 14, 2015, at 1500 hours. According to the Detective Case Tracking System (DCTS), the latter report was Unfounded due to the report having a different report number (DR No. 15-0715923). However, auditors were unable to locate a Follow-Up Investigation to document the cancellation of the second report number.
- *DR No. 15-0716289* – The victim reported his vehicle stolen. His wife observed the vehicle parked outside a 7-Eleven. The victim then remembered he had parked the vehicle at 7-Eleven. A vehicle recovery report was taken; however, auditors were unable to locate a Follow-Up Investigation which documented the crime had not occurred, and unfounded the case.

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 and 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 policies and procedures.

Audit Division identified 25 Cleared Other cases (five from the Auto table, five from the Burglary table, five from the MAC table, five from the Robbery table, and five from the Theft table). A copy of each report was obtained directly from the Detective Section.

Findings

Twenty-four (96%) of the 25 Cleared Other cases met the standards for this objective. The case that did not meet the standard is detailed below:

Autos Table

- *DR No. 15-0708258 – The investigation involved the embezzlement of a vehicle. The detective conducted an in-depth investigation and documented it in DCTS; however, auditors were unable to locate a Follow-Up Investigation which documented the case as Cleared Other.*

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 policies and procedures.

Audit Division identified three Multiple case clearances (one from the Burglary table and two from the MAC table). A copy of each report was obtained directly from the Detective Section.

Findings

Two (67%) of the three cases reviewed met the standards for the objective. The following did not meet the standards:

MAC Table

- *DR No. 15-0714316* – This case was a multiple case clearance that was Cleared by Arrest. The Follow-Up Investigation should only have the date of the report and the DR No. in the top boxes with “See Below” in the Specific Type box. The narrative listed the incorrect DR No. for the second case. The Follow-Up Investigation stated the DDA reviewed the case and requested further investigation. The suspect was then released from custody; however, there was no documentation indicating further investigation was conducted and presented to the DDA. Additionally, the case was Cleared by Arrest but was still classified as Cleared Other in DCTS.

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 policies and procedures. All forms were reviewed for completeness and for the legality of officers' actions.

Audit Division identified 120 Category Two cases (20 from each investigative table). A copy of each report was obtained directly from the Detective Section. Auditors were unable to locate one report; therefore, 119 cases were reviewed.

Findings

One-hundred eighteen (99%) of the 119 cases reviewed met the standards for the objective. The case that did not meet the standard is detailed below:

MAC Table

- *DR No. 15-0715226* – The case involved a domestic battery with the victim/suspect in a dating relationship. There was no indication of a Follow-Up Investigation other than a contact letter sent to the victim. The case should have been classified as a Category One.

Objective No. 4 – 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, 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 the Detective Section's felony warrant files. Detective Section's felony warrant files were evaluated to determine if they contained all required documents and they were completed per Department policies and procedures.

Audit Division utilized the Fugitive Warrant Section website to obtain the current list of felony arrest warrant files which were required to be maintained by the Detective Section. Auditors identified 233 felony arrest warrant files.

A random sample of 68 felony warrant files 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

Fifty-Two (77%) of the 68 felony warrant files met the standards for this objective. Sixteen could not be located. These include the following:

Warrant Nos. – LACBA37748701, LACBA28717701, LACBA30304401, LACBA19711001, LACBA08392601, LACBA05382001, LACBA35333901, LACBA16220201, LACBA333582401, LACBA33766601, LACBA29699401, LACAB31719202, LACBA06305701, LACBA28431001, LACBA41367701, LACBA41703001.

RECOMMENDATIONS

None

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Audit Division discussed the audit report with the CO, Wilshire Area, who indicated general agreement with the audit findings, and subsequently provided a written response with corrective actions taken for the 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

May 15, 2016

6.4

TO: Commanding Officer, Internal Audits and Inspections Division

FROM: Commanding Officer, Wilshire Area

SUBJECT: OPERATIONS-WEST BUREAU WILSHIRE AREA DETECTIVE COMMAND
ACCOUNTABILITY PERFORMANCE AUDIT 2014/2015

Wilshire Area has reviewed the Wilshire Area Detective Command Accountability Performance Audit (CAPA) conducted by Internal Audits and Inspection Division (IAID) during fiscal year 2014/2015. The audit listed several findings attributed to the Wilshire Area Detectives related to multiple Audit Objectives.

Wilshire Area has reviewed the audit and is in general agreement with the findings. Irregularities identified are summarized below:

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

Findings

Ten (77%) of the thirteen cases evaluated met the standards for this objective. The cases that did not meet the standard are detailed below:

Burglary Table

Booking No. 4419996 – The names of the approving watch commander in the arrest narrative and booking approval did not match. The Investigator's Final Report, Form 05.10.00, was not complete. On the Investigator's Final Report the disposition of charge and the DA reject box is circled. The Follow Up Investigation, Form 03.14 indicates the DA filed the case and the case is Cleared by Arrest. The Arrest Report, Form 05.01.02 states a Receipt for Property Taken into Custody, Form 10.10 was issued but auditors were unable able to locate a copy in the arrest package.

Robbery Table

Booking No. 4479879 –The victim was not provided a Marcy's Rights Card. The watch commander documented the arrestee had a pre-existing injury to his left ankle from a hit and run accident about a month ago on the Adult Detention Log, Form 06.19. The arrest report does not indicate if the arrestee received the required medical treatment prior to booking. Deputy District Attorney (DDA) put the case out for further investigation but the Follow Up Investigation, Form

3.14 does not indicate if a further investigation was conducted and if the new information was presented to the DDA for review.

Booking No. 4479882 – The Detective Case Envelope, Form 15.15 is not completed or approved by a supervisor. No Marcy's Rights card was provided. The booking approving watch commander from Wilshire is not listed in the narrative of the report. The juvenile disposition on the bottom of the arrest face sheet is incomplete and not approved by a supervisor.

The concerned table coordinators discussed these issues with the involved detective personnel and provided training. The Detective Commanding Officer held a detective squad meeting on April 28, 2016, and discussed the findings as well as provided training to all detectives.

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

Findings

Eighteen (90%) of the twenty cases reviewed met the standards for the objective.

Auto Table

DR. No. 15-0715923- Two Investigative Reports taken for the same crime/victim. One report was taken telephonically at Wilshire Area on October 14, 2015 at 1315 hours. The other report was taken by a Hollywood desk officer (DR No. 15-0715947) on October 14, 2015 at 1500 hours. According to DCTS, the latter report was Unfounded due to the report being documented on DR. No. 15-0715923. However, auditors were unable to locate a Follow Up Investigation, Form 03.14 to document the cancellation of the second report number.

DR No. 15-0716289- Victim reports his vehicle stolen. Victim's wife drives by 7-11 and observes the victim's vehicle. Victim remembers he parked the vehicle at 7-11. A vehicle recovery report is taken. However, auditors were unable to locate a Follow Up Investigation, Form 03.14 to document the crime did not occur, and to unfound the case.

The concerned table coordinators discussed these issues with the involved detective personnel and provided training. The Detective Commanding Officer held a detective squad meeting on April 28, 2016, and discussed the findings as well as provided training to all detectives.

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

Findings

Twenty-four (96%) of the twenty-five Cleared Other cases met the standards for this objective. The cases that did not meet the standard are detailed below:

Autos Table

DR No. 15-0708258 – The investigation involved the crime of Embezzlement of a vehicle. The assigned detective conducted an in-depth investigation which was documented in the DCTS notes 1.44. However, the auditors were unable to locate a Follow Up Investigation, Form 03.14 to document the case as Cleared Other.

The concerned table coordinators discussed these issues with the involved detective personnel and provided training. The Detective Commanding Officer held a detective squad meeting on April 28, 2016, and discussed the findings as well as provided training to all detectives.

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

Findings

Two of the three cases reviewed met the standards for the objective. The following did not meet the standards:

MAC Table

DR No. 15-014316 – This case was a multiple case clearance that was Cleared by Arrest. The Follow Up Investigation, Form 03.14 should only have the date of this report and the DR No. completed in the top boxes with “See Below” in the Specific Type box. In the narrative, the incorrect DR No. is listed as the second case. The follow up states that Deputy District Attorney Chen reviewed the case and wanted further investigation. The suspect was released from custody. The follow up report does not indicate that the detective presented the case again to Chen. The report does not indicate, but it appears a warrant was issued and the suspect was arrested on the warrant. The case is Cleared by Arrest but is still classified as Cleared Other in DCTS.

The concerned table coordinators discussed these issues with the involved detective personnel and provided training. The Detective Commanding Officer held a detective squad meeting on April 28, 2016, and discussed the findings as well as provided training to all detectives.

Additional training continues regarding appropriate DCTS entry and management.

Objective No. 3 – Evaluation of Case Categorization

Findings

One-hundred seventeen (99%) of the 118 cases reviewed met the standards for the objective. The cases that did not meet the standard are detailed below:

MAC Table

DR No. 15-0715226 – The case involved a domestic battery with the victim/suspect in a dating relationship. There is no indication of a follow up investigation other than a contact letter sent to the victim. The case should have been classified as a Category One.

The concerned table coordinators discussed these issues with the involved detective personnel and provided training. The Detective Commanding Officer held a detective squad meeting on April 28, 2016, and discussed the findings as well as provided training to all detectives.

Objective No. 4 – Evaluation of the Detective Section’s Felony Warrant Files

Findings

Fifty-Two (77%) of the 68 warrant packages met the standards for this objective. Sixteen of packages could not be located in the Wilshire Area Detective Section warrant files. These include the following:

Warrant Nos. – LACBA37748701, LACBA28717701, LACBA30304401, LACBA19711001, LACBA08392601, LACBA05382001, LACBA35333901, LACBA16220201, LACBA33582401, LACBA33766601, LACBA29699401, LACAB31719202, LACBA06305701, LACBA28431001, LACBA41367701, LACBA41703001.

The concerned table coordinators discussed these issues with the involved detective personnel and provided training. The Detective Commanding Officer held a detective squad meeting on April 28, 2016, and discussed the findings as well as provided training to all detectives.

A Major Assault Crimes (MAC) detective will assume duties as the felony warrant coordinator and ensure Department protocol is followed.

The felony warrant coordinator will contact Fugitive Section to facilitate re-creation of the 16 warrant files that could not be located.

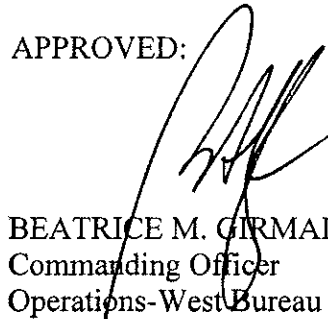
The Detective Commanding Officer will coordinate with IAID to ensure future compliance. The Wilshire Area Detective Division will conduct periodic audits to ensure compliance.

Should there be any questions regarding this matter, please contact Lieutenant II Julius J. Guay, Serial No. 30429, Wilshire Detective Commanding Officer, at (213) 922-8205.



ROLANDO SOLANO, Captain
Commanding Officer
Wilshire Area

APPROVED:



BEATRICE M. GIRMALA, Deputy Chief
Commanding Officer
Operations-West Bureau