

## INTRADEPARTMENTAL CORRESPONDENCE

December 8, 2021  
14.2

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

**FROM:** Chief of Police

**SUBJECT:** ARREST, BOOKING, AND CHARGE AUDIT (AD NO. 21-010)

### RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Arrest, Booking, and Charge Audit.

### DISCUSSION

Audit Division conducted the Arrest, Booking, and Charge Audit to evaluate the compliance with Department policies and procedures.

If additional information regarding this audit is required, please contact Trina Unzicker, Commanding Officer, Audit Division, at (213) 486-8480, or email [N6666@lapd.online](mailto:N6666@lapd.online).

Respectfully,



MICHEL R. MOORE  
Chief of Police

Attachment

**LOS ANGELES POLICE DEPARTMENT**

**ARREST BOOKING AND CHARGE**  
**AUDIT 2021**

*(AD NO. 21-010)*



Conducted by  
**AUDIT DIVISION**

**MICHEL R. MOORE**  
Chief of Police

*November 2021*

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AD No. 21-010

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**ARREST, BOOKING, AND CHARGE AUDIT**  
**Conducted by**  
**Audit Division**  
**2021**

**OVERVIEW**

In accordance with the Los Angeles Police Department (Department) 2021 Annual Audit Plan, Audit Division (AD) conducted the Arrest, Booking, and Charge (ABC) Audit to determine if probable cause or reasonable suspicion are properly documented in the arrest reports and whether related Department policies and procedures are followed.<sup>1</sup> The topics evaluated included detentions based on reasonable suspicion, articulation of probable cause, Fourth Amendment searches and seizures of evidence, and consistency of Body Worn Video pertaining to related arrest reports, and supervisory oversight. The AD last conducted this audit in 2019.

While assessing a sample of arrest data from February 1, 2021, through April 30, 2021, AD found that:

- Reasonable suspicion was articulated 100 percent of the time (*Objective No. 1(a)*);
- Probable cause for arrest was articulated 100 percent of the time (*Objective No. (1b)*);
- The legal basis for searches was articulated 100 percent of the time (*Objective No. (1c)*);
- The legal basis for seizures of evidence was articulated 100 percent of the time (*Objective No. (1d)*);
- Consistency between videos and arrest reports was present 100 percent of the time (*Objective No. (2a)*);
- Supervisor approval of arrest reports occurred 98 percent of the time (*Objective No. (3a)*); and,
- Supervisory approval for booking arrestees occurred 97 percent of the time (*Objective No. (3b)*).

**BACKGROUND**

Auditors historically performed the ABC Audit to assess the legal justification for police officer detentions, evaluate search and seizures of evidence, ensure accurate and proper documentation on arrest reports, and verify that supervision was compliant with Department policy and procedures. This audit has been conducted for many years to ensure officers are complying with the Fourth Amendment and not engaging in illegal detentions or arrests. In order to gain public

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<sup>1</sup> This audit was conducted in accordance with the U.S. Government Accounting Office, *Generally Accepted Government Auditing Standards*, July 2018 Revision.

trust, the Department must be transparent and assure the public that officers or supervision who do not act consistently with the law will be held accountable for their actions. This ABC audit also addresses risk management issues, assesses patrol operations, and provides information and recommendations to Department management.

**SCOPE AND METHODOLOGY**

Auditors obtained arrest data from the Department’s 21 geographic Areas for February 1, 2021, through April 30, 2021, excluding juveniles and Los Angeles Municipal Code violations. Juvenile arrests were excluded from the population because AD conducts separate juvenile arrest report audits. In addition, there has been a tremendous decrease in the number of juvenile arrest reports due to the fact the Department is advocating for diversion instead of conducting arrests. Los Angeles Municipal Code (LAMC) violations were also excluded because auditors wanted to focus on arrests pertaining to high risk populations. Auditors selected a statistically valid random sample of 59 arrest report packages from a total population of 4,217 arrests.<sup>2</sup>

**SUMMARY OF FINDINGS**

This audit is comprised of three main objectives. Table No. 1 summarizes the audit findings for each objective and compares them to the findings in AD’s 2019 audit:

**Table No. 1 – Summary of Findings**

Objective No.	Audit Objectives	FY 2019		2021	
		Number Meeting Standards/ Evaluated	Percent Meeting Standards	Number Meeting Standards/ Evaluated	Percent Meeting Standards
<b>1</b>	<b>Legality of Underlying Action</b>				
1(a)	Articulation of Reasonable Suspicion for Detention	72/72	100%	59/59	100%
1(b)	Articulation of Probable Cause for Arrest	72/72	100%	59/59	100%
1(c)	Articulation of Legal Basis for Search	46/46	100%	59/59	100%
1(d)	Articulation of Legal Basis for Seizure	43/43	100%	26/26	100%
<b>2</b>	<b>Consistency of Information in the Arrest Reports</b>				
2(a)	Consistency between Videos and Arrest Report	72/72	100%	59/59	100%
<b>3</b>	<b>Supervisory Oversight</b>				
3(a)	Arrest Report Approval	72/72	100%	58/59	98%
3(b)	Booking Approval	71/72	99 %	57/59	97%

<sup>2</sup> Auditors used a one-tail test with a 95 percent confidence level, a five percent error rate, and a 95 percent proportion of success to determine the sample size.

## DETAILED FINDINGS

### Objective No. 1 – Legality of Underlying Action

This Objective included evaluation of articulation for reasonable suspicion, probable cause, and search and seizure. For Objective 1(a), and 1(b):

- Arrest reports that were completed in the month of February 2021 were evaluated using Training Bulletin, Volume XXXVIII, Issue 1, April 2006.
- Arrest reports that were completed during the months of March and April 2021 were evaluated using Training Bulletin, Volume L, Issue 3, March 2021.<sup>3</sup>

### Objective No. 1(a) - Articulation of Reasonable Suspicion for Detention

#### Criteria

*Training Bulletin*, Los Angeles Police Department, April 2006, Volume XXXVIII, Issue 1, “Legal Contacts with the Public,” states:

An officer may need to detain a person in order to investigate that person’s involvement in possible criminal activity. To be lawful, a detention must be based on reasonable suspicion that criminal activity has taken place or is about to take place, and that the person detained is connected to that activity. This “suspicion” must be supported by **articulable facts** rather than hunch or instinct. These facts can be drawn from the officer’s observations, personal training and experience, or information from eyewitnesses, victims, or other officers.

*Training Bulletin*, Los Angeles Police Department, March 2021, Volume L, Issue 3, Contacts with the Public – Part 1 Legal Considerations, states:

Reasonable suspicion is the standard used to justify a detention. It exists when an officer has specific and articulable facts that lead an officer to reasonably believe that:

- Unusual activity has occurred, is occurring, or is about to occur; and,
- The unusual activity is related to a crime; and,
- The person to be detained is connected to that activity.

Reasonable suspicion must be supported by **articulable facts** rather than hunch or instinct. These facts can be drawn from the officer’s observations, personal training, and experience or information from eyewitness, victims, or other officers. In some cases, the decision to detain is based on a single circumstance; e.g., the individual matched the description of a wanted person or a person who had just committed a crime in the area.

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<sup>3</sup> Training Bulletin Volume L, Issue 3, March 2021 supersedes Training Bulletin Volume XXXVIII, April 2006. The information in the 2006 Training Bulletin was applied to the arrest reports submitted during February 2021. The information in the 2021 Training Bulletin was applied to the arrests that occurred during March and April 2021, as the information in the 2006 was no longer valid.

But often the decision to detain is based on a variety of circumstances which, when considered as a whole, is sufficiently reasonable to justify a detention.”<sup>4</sup>

### **Audit Procedures**

Auditors reviewed each of the 59 arrest report packages to determine whether reasonable suspicion for detention was articulated. The Department met the standards for this Objective if officers articulated reasonable suspicion for detention.

### **Findings**

Each of the 59 (100%) arrest report packages met the standards.

### **Objective No. 1(b) - Articulation of Probable Cause for Arrest**

#### **Criteria**

*Training Bulletin*, Los Angeles Police Department, April 2006, Vol. XXXVIII, Issue 1, “Legal Contacts With The Public,” states:

Probable cause to arrest is a set of facts that would cause a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime. Definite information, or enough to convict the individual is not needed, only the fair probability that the individual committed the crime.

*Training Bulletin*, March 2021, Volume L, Issue 3, “Contacts With The Public – Part I Legal Considerations,” states:

Probable cause to arrest is a set of facts that would cause a person of ordinary care and prudence to entertain an honest and strong belief that the person to be arrested has committed, is committing, or is about to commit a crime. Definite information, or enough to convict the individual is not needed, only the fair probability that the individual committed the crime.

#### **Audit Procedures**

Auditors reviewed each of the 59 arrest report packages to determine whether probable cause to arrest was articulated. The Department met the standard for this Objective if officers articulated probable cause for the arrest.

#### **Findings**

Each of the 59 (100%) arrest report packages met the standard for this Objective.

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<sup>4</sup> See *Terry v. Ohio*, 392 U.S. 1, 27 (1968).

### **Objective No. 1(c) – Articulation of Legal Basis for Search**

#### **Criteria**

The following criteria applies to both Objectives Nos. 1(c) and 1(d).

*Department Manual*, 4th Quarter 2020, Vol. 4, “Line Procedures,” Section 217, “Searches of Suspects and Arrestees,” states:

**Searches of Arrestees.** 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 and seizures, which includes the following: search warrants, probable cause, incident to arrest, consent, or exigent circumstances.

#### **Audit Procedures**

Of the 59 arrest packages, 59 documented that a search was conducted and therefore were eligible for this Objective. Auditors reviewed each package to evaluate the legality of the search. The Department met the standard for this Objective if an arrest report package articulated the search authority.

#### **Findings**

Each of the 59 (100%) arrest report packages met the standard for this objective.

### **Objective No. 1(d) – Articulation of Legal Basis for Seizure**

#### **Audit Procedures**

Of the 59 arrest report packages, 26 documented that evidence was seized upon arrest, making 26 of 59 arrest reports eligible for this Objective. Auditors reviewed each of the 26 arrest report packages and associated Body Worn Video (BWV) to determine whether the legal basis for the seizure of evidence was articulated. The Department met the standard for this Objective if an arrest report package articulated the legal justification for the seizure and the BWV verified the actions documented on the arrest report.

#### **Findings**

Each of the 26 (100 %) arrest report packages met the standard for this Objective.



## **Objective No. 2 – Consistency of Information in the Arrest Reports**

This Objective compared information in the arrest report to its corresponding BWV.

*Department Manual*, 4th Quarter 2020, Vol. 3, “Objectives of Body Worn Video,” Section 579.15, states:

The following provisions are intended to provide LAPD Officers with instructions on when and how to use Body Worn Video (BWV) to ensure reliable recording of enforcement and investigative contacts with the public. "Officers," as referenced below, include all sworn personnel. The Department has adopted the use of BWV by uniformed personnel to:

- Collect evidence for use in criminal investigations and prosecutions;
- Deter criminal activity and uncooperative behavior during police-public interactions;
- Assist officers with completing reports and providing testimony in court;
- Promote accountability;
- Assist in resolving complaints against officers including false allegations by members of the public; and,
- Provide additional information for officer evaluation, training, and continuous improvement.

The BWV provides additional information regarding an investigative or enforcement contact with a member of the public. The BWV recordings, however, provide a limited perspective of the encounter. Other available evidence must be considered including witness statements, officer interviews, forensic analyses, and documentary evidence when evaluating the appropriateness of an officer's actions.

### **Objective No. 2(a) – Consistency between Videos and Arrest Report**

#### **Criteria**

*Department Manual*, 4th Quarter 2020, Vol. 4, “Line Procedures,” Section 216.01, “Advice/Approval on Felony Bookings,” states:

**Arrest Reports**...Additionally, the watch commander or supervisor shall examine the reports for authenticity by ensuring that the reports do not contain any “canned” language, inconsistent information, or fail to articulate the legal basis for the action, or any indication that the information in the report(s) is not authentic or correct.

#### **Audit Procedures**

Auditors compared each of the 59 arrest reports to the corresponding BWV to determine whether the information was consistent with the arrest report narrative. The Department met the

standards for this Objective if information was consistent when comparing arrest reports to the corresponding videos.

### **Findings**

Each of the 59 (100%) arrest packages met the standards for this Objective.

### **Objective No. 3 – Supervisory Oversight**

This Objective evaluated supervisory approval of the arrest report and booking and included a review of the detention log.

### **Objective No. 3(a) – Arrest Report Approval**

#### **Criteria**

*Department Manual*, 4th Quarter 2020, Vol. 4, “Line Procedures,” Section 216.01, “Advice/Approval on Felony Bookings,” states:

**Arrest Reports.** Consistent with current procedures, the watch commander or supervisor designated by the watch commander shall review all reports related to the arrest for appropriateness recommendation. Subsequent to review, the watch commander or his or her designee shall indicate approval by signing (including serial number) the report(s).

#### **Audit Procedures**

Auditors reviewed each arrest report to determine if the watch commander, or a supervisor designated by the watch commander, signed the reports. The Department met the standards for this Objective if the arrest report was signed by an authorized supervisor.

### **Findings**

Fifty-eight of the 59 (98%) of the arrest report packages met the standard for this Objective.

Table No. 2 outlines a finding in an arrest report package where the watch commander did not indicate whether a supervisor approving an arrest report had been designated as a watch commander. The report that did not meet the standard appears below:

**Table No. 2 – Objective No. 3(a) Finding**

Area	DR No.	Finding
Wilshire	2110707141	7L60 <sup>5</sup> signed the arrest report, however the Watch Commander log does not indicate if 7L60 is the watch commander.

<sup>5</sup> 7L60 is the designation for a Wilshire Area field supervisor.

### **Objective No. 3(b) – Booking Approval**

#### **Criteria**

*Department Manual*, 4th Quarter 2020, Vol. 4, “Line Procedures,” Section 216, “Taking Persons Into Custody,” states:

**Inspection and Interview.** All persons that are detained or arrested and transported to a Department, or any other holding facility shall be brought before a watch commander for an inspection and interview. At a minimum, the WC shall ask the suspect the following three questions:

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

The WC shall take appropriate action based upon the results of the inspection and responses to these questions. In documenting the detainee or arrestee's responses to the three mandatory questions for each checked shaded box, the supervisor shall explain the details of the response in the Comments section of the appropriate detention log.

#### **Audit Procedures**

Auditors reviewed each of the 59 arrest report packages for proper documentation of the watch commander's inspection and response to these questions. In addition, AD reviewed each arrest report package to determine whether the booking approval was obtained from the authorized personnel. Arrest reports that contained the proper documentation of the watch commander's inspection and response to the required questions and booking approval met the standards for this Objective.

#### **Findings**

Fifty-seven of the 59 (97%) arrest report packages met the standards for this Objective. Table No. 3 outlines the two reports that did not meet the standards regarding booking:

**Table No. 3 – Detailed Findings**

<b>Area</b>	<b>DR No.</b>	<b>Detailed Findings</b>
Wilshire	210707141	7L60 approved the booking approval, however 7L60 is not indicated on the Watch Commander log as the Watch Commander
Southeast	211806759	Detention Log questions are not marked; however, the arrest report indicates there was no medical treatment warranted.

**RECOMMENDATIONS**

None.

**ACTIONS TAKEN/ MANAGEMENT RESPONSE**

The audit report was provided to the Assistant to the Director, Office of Operations, who was in general agreement with the audit findings and provided a detailed response.

## INTRADEPARTMENTAL CORRESPONDENCE

November 2, 2021  
11.2

**TO:** Commanding Officer, Audit Division

**FROM:** Assistant to the Director, Office of Operations

**SUBJECT:** 2021 ARREST, BOOKING, AND CHARGE AUDIT

In accordance with the Los Angeles Police Department (Department) 2021 Annual Audit Plan, Audit Division (AD) conducted the Arrest, Booking, and Charging (ABC) Audit to determine if probable cause or reasonable suspicion are properly documented in the arrest reports and whether related Department policies and procedures are followed. The topics evaluated included detentions based on reasonable suspicion, articulation of probable cause, Fourth Amendment searches and seizures of evidence, consistency of Body Worn Video pertaining to related arrest reports, and supervisory oversight.

While assessing a sample of 59 arrest report packages from February 1, 2021 through April 30, 2021, AD found that:

- Reasonable suspicion was articulated 100 percent of the time (*Objective No. 1(a)*);
- Probable cause for arrest was articulated 100 percent of the time (*Objective No. (1b)*);
- The legal basis for searches was articulated 100 percent of the time (*Objective No. (1c)*);
- The legal basis for seizures of evidence was articulated 100 percent of the time (*Objective No. (1d)*); and
- Consistency between videos and arrest reports was present 100 percent of the time (*Objective No. (2a)*);

The Office of Operations (OO) Inspections Unit is in general agreement with the findings noted below:

- Supervisor approval of arrest reports occurred 98 percent of the time (*Objective No. (3a)*). Audit Division noted that 58 out of 59 (98%) met the standard for this objective. The one finding noted was Wilshire Field Supervisor 7L60 signed the arrest report, however the Watch Commander log does not indicate if 7L60 is the watch commander.

- Supervisory approval for booking arrestees occurred 97 percent of the time (Objective No. (3b)). Audit Division noted that 57 out of 59 (97%) met the standard for this objective. The first finding was 7L60 approved the booking approval, however 7L60 was not indicated on the Watch Commander log as the Watch Commander. The second finding was the Detention Log questions were not marked: however, the arrest report indicated there was no medical treatment warranted.

If you have any questions, please contact Police Performance Auditor IV Yadira Huerta, Office of Operations, at (213) 486-6960.

A handwritten signature in black ink, appearing to read 'T. Scott Harrelson', with a stylized, cursive script.

T. SCOTT HARRELSON, Commander  
Assistant to the Director, Office of Operations