

## INTRADPARTMENTAL CORRESPONDENCE

July 6, 2021  
14.2

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

**FROM:** Chief of Police

**SUBJECT:** INTERFERING AND RESISTING ARREST AUDIT (AD NO. 20-009)

### RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Interfering and Resisting Arrest Audit.

### DISCUSSION

Audit Division conducted the Interfering and Resisting Arrest Audit to evaluate compliance with Department policies and procedures.

If additional information regarding this audit is required, please contact Trina D. Unzicker, Commanding Officer, Audit Division, at (213) 486-8480.

Respectfully,



MICHEL R. MOORE  
Chief of Police

Attachment

**LOS ANGELES POLICE DEPARTMENT**  
**INTERFERING AND RESISTING ARREST**  
**AUDIT 2020**  
*(AD NO. 20-009)*



Conducted by  
**AUDIT DIVISION**

**MICHEL R. MOORE**  
Chief of Police

*June 2021*

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AD No. 20-009

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## INTERFERING AND RESISTING ARREST AUDIT

Conducted by  
Audit Division  
2020

### OVERVIEW

Audit Division (AD) conducted an Interfering and Resisting Arrest Audit to evaluate conformance with Department policies and procedures relative to arrest reports and the pre-booking evaluation process for violations of California Penal Code (PC) Section 148(a)(1) (148 PC). Arrests made under 148 PC have previously been viewed as vulnerable to abuse and were the subject of reform during the Consent Decree.

Department compliance rates for the pre-booking evaluation process objectives ranged from 72 to 100 percent as follows:

- Watch Commanders (WC) documented Body Worn Video (BWV) review 72 percent of the time (*Objective No. 1a*);
- The WCs documented the pre-booking evaluation 84 percent of the time (*Objective No. 1b*); and,
- The WCs referenced forms to document pre-booking evaluation results when applicable 100 percent of the time (*Objective No. 1c*).

Department compliance rates for arrest report approval process objectives were as follows:

- Arrest packages were completed 100 percent of the time (*See Objective No. 2a*);
- Approved arrest reports included officer articulation of the legal reason for the detention and officer articulation of suspect's actions causing the obstruction 100 percent of the time (*See Objective Nos. 2b – d*); and,
- Arrest reports were accurate 100 percent of the time (*See Objective No. 3*).

### BACKGROUND

The 148 PC Section is commonly referred to as “resisting arrest” but applies to any action by a person to willfully resist, delay, or obstruct an officer in the performance of his or her official duties. The PC Section states, “Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician..., in the discharge or attempt to discharge any duty of his or her office or employment...shall be punished...”.

A violation of 148 PC is considered a misdemeanor. Probable cause and reasonable suspicion are required to justify and uphold 148 PC arrests. The WC is directed to evaluate each of these arrests to identify any issues or concerns regarding training, policy or tactics. A prior audit conducted during the Annual Audit Plan period of 2014-15 included a review of 148 PC arrests. The compliance rate for this audit was 92 percent or higher for each of the four audit objectives.<sup>1</sup> Table No. 1 describes the prior audit objectives and shows the compliance percentages for each:

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<sup>1</sup> As the compliance rates for the prior audit were high, these specific objectives were not duplicated in this current audit. Therefore, no direct comparative analysis could be performed between audits.

**Table No. 1 – Prior Audit Findings**

2014-15 Audit Objectives	Compliance
Accuracy, Completion and Consistency Between Adult/Juvenile Detention Log and Watch Commander’s Daily Report	94%
Accuracy, Completion and Consistency Between Booking Approval and Arrest Report	100%
Watch Commander’s Documentation of the Interfering and Resisting, Assault or Battery Arrest in the Watch Commander’s Daily Report (WCDR)	92%
Watch Commanders’ Evaluation of Issues Regarding Training, Policy, and Tactics	97%

In 2018, the Office of the Inspector General (OIG) presented a review of the Department’s 148 PC arrests to the Board of Police Commissioners. The report stated that the Department should emphasize the WC’s oversight responsibility regarding these arrests and that the WC should review relevant BWV to assess whether officers followed procedural justice principles to the extent possible.<sup>2</sup> The OIG’s report helped inform AD’s approach toward its objectives.

**SCOPE AND METHODOLOGY**

Auditors used the Department’s Crime Analysis Mapping System (CAMS) to select data for all 148 PC arrests from July 1, 2020 through September 30, 2020. Auditors retrieved all 45 arrests and deselected 18 arrests that included warrants for 148 PC and not 148 PC arrests. The final population included 27 arrests where the 148 PC violation was the only charge for the arrest. Auditors further adjusted the population for Objectives No. 1a-c as described in the Detailed Findings Section.

Auditors collected arrest report documentation from patrol Areas to test the objectives. Auditors also reviewed the related BWV and Digital In-Car Video System (DICVS) footage to compare an officer’s narrative of the incident to the video footage.

Table No. 2 on the following page summarizes the audit findings:

<sup>2</sup> See Office of the Inspector General report *Review of Arrests for Violations of California Penal Code Section 148(a)(1)*, August 28, 2018.

**Table No. 2 – Audit Objectives**

<b>Objective No.</b>	<b>Audit Objectives/Assessments</b>	<b>Number Meeting Standards/ Evaluated</b>	<b>Percent Meeting Standards</b>
<b>1</b>	<b>Pre-Booking Evaluation Process</b>		
1(a)	Watch Commander Documented the BWV and/or DICVS Review in the WCDR	18/25	72%
1(b)	Watch Commander Documented Completion of the Pre-Booking Evaluation in the WCDR	21/25	84%
1(c)	Watch Commander Referenced all Forms Used for Documenting the Results of the Pre-Booking Evaluation	5/5	100%
<b>2</b>	<b>Booking Approval Process</b>		
2(a)	Arrest Package for 148(a)(1) PC Violation Contains all Required Documentation	27/27	100%
2(b)	Arrest Report Was Signed by a Department Supervisor	27/27	100%
2(c)	Arrest Report Articulates the Legal Reason for the Detention	27/27	100%
2(d)	Arrest Report Articulates the Suspect’s Action(s) Causing the Obstruction	27/27	100%
<b>3</b>	<b>Accuracy of the Arrest Reports</b>	<b>25/25</b>	<b>100%</b>

**DETAILED FINDINGS**

**Objective No. 1 – Pre-Booking Evaluation Process**

**Criteria**

The *Department Manual* requires that: “When a person is charged with the California Penal Code (PC) sections listed below, the watch commander shall conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed.”<sup>3</sup>

Auditors reviewed the WCDR to determine if the WC conducted the pre-booking evaluation.

<sup>3</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Section 4/216.23, “Arrests for Interfering, Resisting Arrest, or Assault on an Officer.” Section 148 PC is among these sections and is the subject of this audit.

**Objective No. 1(a) – Watch Commander Documented the BWV and/or DICVS Review in the WCDR**

**Criteria**

The Department requires that: "...watch commander shall document the BWV and/or DICVS review in the Watch Commander's Daily Report, Form 15.80.00 along with the other required watch commander insight."<sup>4</sup>

**Audit Procedures**

Auditors reviewed the WCDRs to determine if the WC documented BWV and/or DICVS review. The Department met the standard for this Objective if the WC documented the BWV and/or DICVS review on the WCDR.

**Findings**

Eighteen of the 25 WCDRs (72%) met the standards for this Objective.<sup>5</sup> Seven WCDRs did not meet the standard as follows:

**Table No. 3 – Detailed Findings – Objective No. 1(a)**

Area	Incident No.	Booking No.	Reason
Central	PD20080200002498	5983641	WC did not document BWV/DICVS review on the WCDR
Central	PD20091100003587	6010342	WC did not document BWV/DICVS review on the WCDR
Harbor	PD20090300005400	6005211	WC did not document BWV/DICVS review on the WCDR
Northeast	PD20090700002035	6007587	WC did not document BWV/DICVS review on the WCDR
Hollywood	PD20080100001611	5982917	WC did not document BWV/DICVS review on the WCDR
Rampart	PD20091700000048	6012574	WC did not document BWV/DICVS review on the WCDR
Wilshire	PD20092900000395	6021567	WC did not document 148 PC incident or BWV/DICVS review on the WCDR

<sup>4</sup> Office of Operations Notice 1.11, September 20, 2018, "Body Worn Video or Digital In-Car Video System Review Prior to Watch Commander Approval of Interfering, Resisting, or Assault on an Officer Arrests."

<sup>5</sup> The population for Objectives 1(a) and 1(b) was reduced from 27 to 25 because these Objectives test the WCDR rather than the arrest reports. The 27 arrest reports were reported on 25 WCDRs.

**Objective No. 1(b) – Watch Commander Documented Completion of the Pre-Booking Evaluation in the WCDR**

**Criteria**

The *Department Manual* requires that: "...watch commander shall ... Document that an evaluation was completed on the Watch Commander's Daily Report, Form 15.80.00..."<sup>6</sup>

**Audit Procedures**

Auditors reviewed the related WCDR to determine whether the WC documented the pre-booking evaluation for 148 PC arrest incidents. The Department met the standard for this Objective if the WC documented the pre-booking evaluation on the WCDR.

**Findings**

Twenty-one of the 25 WCDRs (84%) met the standard for this Objective. Four WCDRs did not meet the standard as follows:

**Table No. 4 – Detailed Findings – Objective No. 1(b)**

Area	Incident No.	Booking No.	Reason
Southeast	PD20080700004554	5987366	WC did not document the pre-booking evaluation on the WCDR
Northeast	PD20090700002035	6007587	WC did not document the pre-booking evaluation on the WCDR
Rampart	PD20091700000048	6013574	WC did not document the pre-booking evaluation on the WCDR
Wilshire	PD20092900000395	6021567	WC did not document the pre-booking evaluation on the WCDR

**Objective No. 1(c) – Watch Commander Referenced all Forms Used for Documenting the Results of the Pre-Booking Evaluation**

**Criteria**

The *Department Manual* requires that: "...watch commander shall...Reference all forms used for documenting the results of the pre-booking evaluation on the Watch Commander's Daily Report.

**Note:** The use of the Watch Commander's Daily Report to document personnel issues associated with evaluations compromises the confidentiality of employee files. Therefore, the watch commander shall document positive and negative duty performance, training needs, and any counseling associated with the evaluation on an Employee

<sup>6</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Section 4/216.23, "Arrests for Interfering, Resisting Arrest, or Assault on an Officer."



Comment Sheet, Form 01.77.00. When the result of the evaluation is documented on a separate report, it is not necessary to duplicate the evaluation on another report...”.<sup>7</sup>

### **Audit Procedures**

Auditors reviewed the WCDR to determine if the WC identified any personnel issues during the pre-booking evaluation regarding policy, training and tactics. If the WC documented any personnel issues, we further reviewed to determine that the WC also referenced the forms that were used to document positive and negative duty performance, training needs, and any counseling associated with the evaluation. There were five arrests matching this description.

The Department met the standard for this Objective if the WC identified any personnel issues during the pre-booking evaluation and also referenced the forms that were used to document any personnel issues identified.

### **Findings**

Each of the five incidents (100%) met the standard for this Objective.

### **Objective No. 2 – Booking Approval Process**

The *Department Manual* requires that: “When providing approval, the watch commander shall review each arrest for appropriateness, legality, and conformance with Department policy and procedure.” The *Department Manual* continues “...the watch commander or a supervisor designated by the watch commander shall review all reports related to the arrest for appropriateness, legality, and conformance with Department policy and procedure taking into account the booking recommendation.”<sup>8</sup>

### **Objective No. 2(a) – Arrest Package for 148(a)(1) PC Violation Contains all Required Documentation**

#### **Criteria**

Department policy requires that all applicable forms related to the arrest are included in the arrest package.<sup>9</sup>

### **Audit Procedures**

Auditors reviewed all 27 arrest packages to determine whether the forms required on the Arrest Report Approval Checklist were included in the arrest package. Auditors determined that the following documents should be included for the 148 PC incidents and ensured that they were completed and included in the arrest package:

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<sup>7</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Section 4/216.23, “Watch Commander’s Responsibility.”

<sup>8</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Section 4/216.02, “Advice/Approval on Misdemeanor Bookings.”

<sup>9</sup> See Office of the Chief of Police Administrative Order No. 6, July 18, 2013, “Arrest Report Approval Checklist.”

- WCDR, Form 15.80.00;
- Arrest Report Approval Checklist, Form 05.02.15;
- Booking Approval, Form 12.31.00;
- Arrest Report, Form 05.02.00;
- Superior Court of California, County of Los Angeles Probable Cause Determination (Declaration), CRIM 064;
- City Attorney Disclosure Statement, Form 05.02.09;
- Receipt for Property Taken into Custody, Form 10.10.00 (if needed);
- Disposition of Arrest and Court Action, Form 05.09.00 (if needed);
- Juvenile Arrest Supplemental Report, Form 05.02.06 (if needed); and,
- Investigator's Final report, Form 05.10.00 (if needed).

The Department met the standard for this Objective if the arrest package contained the forms above.

### Findings

Each of the 27 arrest packages (100%) met the standard for this Objective.

### Objective No. 2(b) – Arrest Report Was Signed by a Department Supervisor

#### Criteria

The *Department Manual* requires that: "...watch commander or his or her designee shall indicate approval by signing (including serial number) the reports."<sup>10</sup>

#### Audit Procedures

Auditors reviewed the arrest reports to determine whether they were signed by a Department supervisor. Auditors checked the name and serial number of the approving supervisor to compare with the Deployment Roster for the date the arrest report was signed. Auditors verified that the approving supervisor's rank was at least Sergeant I or above and that the approving supervisor completed the Department's Supervisory Training course.

The Department met the standard for this Objective if the arrest reports were signed by a Department supervisor who completed the Department's Supervisory Training course.

### Findings

Each of the 27 arrest reports (100%) met the standard for this Objective.

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<sup>10</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Section 4/216.02 "Advice/Approval on Misdemeanor Booking" and Other Related Matters Section for further analysis.

**Objective No. 2(c) – Arrest Report Articulates the Legal Reason for the Detention**

**Criteria**

The *Department Manual* requires that: “All arrest reports shall be approved and signed by a Department supervisor and checked for probable cause, propriety, essential information, clarity, and legibility.”<sup>11</sup>

**Audit Procedures**

Auditors reviewed the arrest reports to determine whether the officer articulated the legal reason for the detention. The Department met the standard for this Objective if the arrest report contained the officer’s details regarding the legal reason for the detention.

**Findings**

Each of the 27 arrest reports (100%) met the standard for this Objective.

**Objective No. 2(d) – Arrest Report Articulates the Suspect’s Action(s) Causing the Obstruction**

**Criteria**

The *Department Manual* requires that: “All arrest reports shall be approved and signed by a Department supervisor and checked for probable cause, propriety, essential information, clarity, and legibility.”<sup>12</sup>

**Audit Procedures**

Auditors reviewed the arrest report narrative to determine whether the officer articulated the suspect’s actions which caused the obstruction. The Department met the standard if the arrest report included the officer’s details of the suspect’s actions that caused the obstruction.

**Findings**

Each of the 27 arrest reports (100%) met the standard for this Objective.<sup>13</sup>

**Objective No. 3 – Accuracy of Arrest Reports**

**Criteria**

The *Department Manual* states that “the accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice...Officers are

<sup>11</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Section 4/216.12, “Recording of Booking Approval.”

<sup>12</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Section 4/216.12, “Recording of Booking Approval.”

<sup>13</sup> Auditors tested arrest report approvals for Objective 2(d) that require Department supervisor approval.

therefore required to review BWV recordings...prior to documenting an incident, arrest, search...to ensure that their reports, statements and documentation are accurate and complete.<sup>14</sup>

### **Audit Procedures**

Auditors reviewed the arrest report narrative and the involved officer's BWV to determine whether the arrest report narrative was accurate and complete. The Department met the standard for this Objective if the arrest report narrative corroborated the related BWV footage.

### **Findings**

Each of the 25 incidents (100%) met the standard for this Objective.<sup>15</sup>

### **OTHER RELATED MATTER**

Auditors reviewed 148 PC arrest reports to determine whether officers followed Department policy regarding arrest report approvals pursuant to *Department Manual* Section 4/216.02 "Advice/Approval on Misdemeanor Bookings." Discussions arose among auditors about the meaning of the terms "supervisor designated by the WC" and "designee." Some auditors interpreted the intended meaning to include any supervisor that the WC assigned to approve reports on his or her behalf, while others interpreted the intended meaning to be a supervisor designated (or appointed) as the acting WC and documented as such in the WCDR. Auditors therefore suggest that the Department amend the *Department Manual* to include clarification of the intended meaning of WC designee. Any notation of this designation should be documented by the WC on the WCDR.

### **RECOMMENDATIONS**

It is recommended that the Office of Operations (OO) take the following actions to improve compliance with the Department's 148 PC arrest (Interfering and Resisting) policies and procedures:

1. Create a system to assist commanding officers' oversight of 148 PC arrests (Objective No. 1a-c).
2. Conduct ongoing and regular inspections of all 148 PC arrests to evaluate compliance regarding the WC's oversight and evaluation responsibilities in accordance with Department policy (Objective No. 1a-c).
3. Consider automating and implementing a standardized format for the Watch Commander's Daily Report, and, if feasible, coordinate with Information Technology Bureau to create a

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<sup>14</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Section 4/579.15, "Viewing of Body Worn Video Recordings by Officers."

<sup>15</sup> The population was reduced from 27 incidents to 25 incidents for this Objective because no BWV footage was available for two incidents which were in policy.

format and workflow that will automate aspects of the report. Doing so would help ensure consistency across divisions and help ensure that details of a 148 arrest are not missed.

**ACTIONS TAKEN/MANAGEMENT RESPONSE**

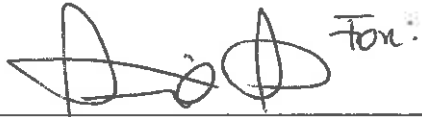
The OO was in general agreement with the audit report. In their March 5, 2021, Intradepartmental Correspondence, Form 15.2, attached to this report, OO provided the following response:

- All current policies and procedures associated with 148 PC will be re-circulated to all geographic bureaus and Areas as a reminder;
- A recurring OO project will be implemented to review 148 PC arrests and monitor compliance with current Department policies; and
- Additional information technology and operational controls will be explored.

Interfering Resisting Arrest System Audit

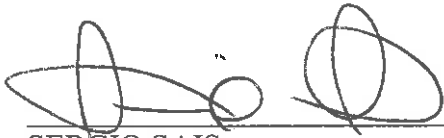
**APPENDIX**

**Audit Division Contact:** Police Performance Auditor IV Sergio Sais, N3372,  
(213) 486-8386 or [N3372@lapd.online](mailto:N3372@lapd.online)

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TRIV IA THOMAS  
Project Manager, Audit Division

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SERGIO SAIS  
Officer in Charge, Audit Division

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TRINA D. UNZICKER  
Commanding Officer, Audit Division

## INTRADEPARTMENTAL CORRESPONDENCE

March 5, 2021  
11.2

Addendum

**TO:** Commanding Officer, Audit Division

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

**SUBJECT:** 2020 INTERFERING AND RESISTING ARREST AUDIT RESPONSE

Audit Division conducted an Interfering and Resisting Arrest audit which assessed compliance with Department policies and procedures related to the pre-booking evaluation process, the booking approval process and the accuracy of arrest reports.

For the three-month period between July 1, 2020 through September 30, 2020, it was noted that the Department required improvement with the documentation of the pre-booking evaluation process. The objectives requiring improvement are stated below:

- **Objective No. 1 (a) – Watch Commander Documented the Body Worn Video (BWV) and/or Digital In-Car Video System (DICVS) Review in the Watch Commander's Daily Report:** 18 (72%) out of 25 watch commander logs reviewed did provide evidence of the watch commander's review of video.
- **Objective No. 1 (b) – Watch Commander Documented Completion of the Pre-Booking Evaluation:** 21 (84%) out of 25 watch commander logs reviewed did provide evidence of the watch commander's pre-booking evaluation.

The Office of Operations (OO) will address the issues noted above as follows:

- All current policies and procedures associated with California Penal Code (PC) section 148 will be re-circulated to all Geographic bureaus and Areas as a reminder;
- A recurring OO project will be implemented to review 148(a)(1) PC arrests and monitor compliance with current Department policies. Additional actions may be taken based on the results of the project; and,
- Additional IT and operational controls will be explored to determine the feasibility of implementation as they relate to 148 PC arrests.

**Office of Operations**

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**11.2**

**Audit Division also recommended that OO consider assigning BWV for officers working Prostitution Enforcement Details (PED), or any assignment where officers predominantly work in uniform, conduct enforcement stops and/or drive a black and white police vehicle. The Office of Operations will identify personnel requiring BWV cameras and assign as needed.**

**If you have any questions, please contact Lieutenant II Hayley Smith, Office of Operations, at (213) 486-6050.**

A handwritten signature in blue ink, appearing to read 'MR', with a horizontal line extending to the right.

**MICHAEL P. RIMKUNAS, Commander  
Assistant to the Director, Office of Operations**





**A NOTE FROM THE DESK OF...**  
**COMMANDER MICHAEL P. RIMKUNAS**  
Assistant to the Director, Office of Operations  
Ph: (213) 486-0110 Fax: (213) 486-0115

March 2, 2021

**To: AREA COMMANDING OFFICERS**

**From: ASSISTANT TO THE DIRECTOR, OFFICE OF OPERATIONS**

**Subject: INTERFERING AND RESISTING ARREST AUDIT - REMINDER**

Audit Division (AD) conducted the 2020 Interfering and Resisting Arrest Audit to evaluate conformance with Department policies and procedures as they relate to the handling and oversight of arrests for violation of California Penal Code (PC) Section 148(a)(1). Audit Division noted that the Department required improvement related to watch commander documentation of the pre-booking evaluation process.

As a reminder, Department policy states watch commanders shall document the review of available Body Worn Video and Digital In-Car Video System recordings when performing pre-booking evaluations for all interfering, resisting, and/or assault on an officer arrests on the Watch Commander's Daily Report.

Please review and recirculate the following policy and notice to all Area watch commanders:

- Office of Operations Notice, *Body Worn or Digital In-Car Video System Review Prior to Watch Commander Approval of Interfering, Resisting, or Assault on an Officer Arrests*, dated September 20, 2018; and,
- Department Manual, Section 4/216.23, *Arrest for Interfering, Resisting Arrest*

If you have any questions regarding this matter, please contact the Office of Operations Inspections Unit at (213) 486-6960.

Respectfully,

A handwritten signature in blue ink, appearing to read "M. Rimkunas".

Michael P. Rimkunas

Attachments