

**INTRADEPARTMENTAL CORRESPONDENCE**

August 16, 2021  
14.2

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

**FROM:** Chief of Police

**SUBJECT:** RESTRAINING AND PROTECTIVE ORDER AUDIT (AD NO. 20-013)

**RECOMMENDED ACTION**

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Restraining and Protective Order Audit.

**DISCUSSION**

Audit Division conducted the Restraining and Protective Order Audit to evaluate compliance with Department policies and procedures.

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

Respectfully,



MICHEL R. MOORE  
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT  
***RESTRAINING AND PROTECTIVE  
ORDER AUDIT 2020***

***(AD NO. 20-013)***



Conducted by  
**AUDIT DIVISION**

**MICHEL R. MOORE**  
Chief of Police

*August 2021*



**LOS ANGELES POLICE DEPARTMENT  
RESTRAINING AND PROTECTIVE ORDER AUDIT  
Conducted by  
Audit Division  
2020**

**OVERVIEW**

Audit Division (AD) conducted the Restraining and Protective Order (RPO) Audit to evaluate the Department's adherence to policies and procedures regarding legal orders issued against individuals. These orders were filed with the Office of Operations (OO) geographic Areas and with Records and Identification Division (R&I). The audit examines compliance with both the National Crime Information Center (NCIC) 2000 Operating Manual and Department policy.

Auditors focused on the RPO data entry into the California Restraining and Protective Order System (CARPOS) to confirm that the information was entered accurately, completely, in a timely manner, and that the second party verification was documented.<sup>1</sup> Auditors also evaluated the RPO validation process that was comprised of formalized validation procedures and a monthly RPO validation performance. Auditors tested if the narrative section of the arrest reports contained information required by Department Manual, Section 216.03, "Restraining Orders."<sup>2</sup>

Department compliance rates ranged from 24 to 96 percent as follows:

- The CARPOS data entry was accurate and complete 86 percent of the time (*Objective No. 1(a)*);
- Documentation of second party verification was accurate 34 percent of the time (*Objective No. 1(b)*)<sup>3</sup>;
- Data entered into CARPOS was timely 96 percent of the time (*Objective No. 1(c) and Recommendation No. 1*);
- The R&I written validation procedures were in place and in compliance. (*Objective No. 2(a) and Recommendation No. 2*);
- The monthly RPO Validation was performed and in compliance (*Objective No. 2(b)*);
- The RPOs were documented on the Control Log 75 percent of the time (*Objective No. 3 and Recommendation No. 3*); and,
- Required information was documented in arrest reports 24 percent of the time (*Objective No. 4 and Recommendation No. 4*).

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<sup>1</sup> While this is an external system, data entry and the second party review were performed by Department personnel.

<sup>2</sup> See *Department Manual*, 3rd Quarter 2020, Vol. 4, "Line Procedures," Section 216.03, "Restraining Orders."

<sup>3</sup> The compliance rate was 92 percent for OO and 0 percent for R&I; the average of these is 34 percent.

## **BACKGROUND**

The State of California Department of Justice (DOJ) and the Federal Bureau of Investigation's (FBI) NCIC has policies, standards, and regulations to ensure the integrity of all information stored within their electronic databases. One of those databases is CARPOS, a pointer system that contains RPOs information entered by California law enforcement agencies on individual(s) subject to court orders.<sup>4</sup>

The DOJ performed field audits of the Department's CARPOS entries in 2009, 2013, 2016, and 2018. At the time, the DOJ findings revealed that improvements were needed relative to accuracy, completeness, and validation. These findings led to AD's two prior RPO audits in 2015 and 2017. In 2018, the DOJ Audit revealed no issues with accuracy, completeness, and the second party check requirements but the Department was out of compliance regarding the timely entry of records.

## **SCOPE AND METHODOLOGY**

Auditors reviewed arrest reports related to calls for service (CFS) of RPO violations during November and December of 2020 to determine compliance with the Department's restraining orders policies and procedures.<sup>5</sup> Auditors obtained a population of 4,341 active RPOs that were entered into CARPOS from January 1 through December 31, 2020. The AD derived a statistically valid sample of 195 active RPOs with 72 RPOs entered by Area personnel and 123 RPOs entered by R&I personnel.<sup>6</sup> Auditors tested these RPOs against criteria standards on Objective Nos. 1(a), 1(b), and 1(c). Objective No. 3 testing was applicable only to OO because R&I did not use a RO Control Log, Form 15.40.00. Objective Nos. 2(a) and 2(b) were applicable only for R&I because R&I is responsible for the monthly validation of data, OO is not. Auditors requested a copy of formalized validation procedures from R&I, the division responsible for validating all active RPOs entered by the Department.

Relative to Objective No. 4, AD used the Crime Analysis Mapping System (CAMS) and obtained a population of 129 RPO violation arrest reports completed during November and December 2020. Auditors obtained a statistically valid sample of 84 arrest reports from the Areas. Auditors tested information in the arrest report narratives against Objective No. 4 criteria standards. The R&I personnel do not conduct crime investigations and auditors excluded R&I from the Objective No. 4 testing process.

Table I summarizes Department-wide compliance with audit objectives and, where applicable, compares them to the 2017 audit results. Table II summarizes OO compliance rates with audit objectives and, where applicable, compares them to the 2017 audit results. Table III summarizes R&I compliance rates with audit objectives and, where applicable, compares them to the 2017 audit results.

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<sup>4</sup> *California Law Enforcement Telecommunications System (CLETS) Full Access Operator Workbook*, July 2011.

<sup>5</sup> This audit is part of the 2020 Annual Audit Plan.

<sup>6</sup> For each sample, auditors used a 95 percent confidence level with an error rate of five percent. Auditors used the proportion of success determined by the 2017 RPO audit's success rate and applied that information to Objective Nos. 1, 3, and 4 to calculate the sample size.

**Table I – Summary of the Department-Wide Compliance with Audit Objectives**

| Objective No. | Description of Audit Objectives   | FY 2017                  |                           | FY 2020                  |                           |
|---------------|---|--------------------------|---------------------------|--------------------------|---------------------------|
|               |   | Number Meeting Standards | Percent Meeting Standards | Number Meeting Standards | Percent Meeting Standards |
| <b>1</b>      | <b>Evaluation of CARPOS Data Integrity</b>                                  |                          |                           |                          |                           |
| 1(a)          | Accuracy and Completeness of Data   | 100/103                  | 97%                       | 168/195                  | 86%                       |
| 1(b)          | Documentation of the Second Party Verification for Accuracy                 | 93/103                   | 90%                       | 66/195                   | 34%                       |
| 1(c)          | Timeliness of Data Entered Into CARPOS                                      | 34/50                    | 68%                       | 118/123                  | 96%                       |
| <b>2</b>      | <b>Evaluation of the Validation Process</b>                                 |                          |                           |                          |                           |
| 2(a)          | Written Validation Procedures are in Place                                  | NO                       |                           | YES                      |                           |
| 2(b)          | Monthly Validation Process was Performed                                    | NO                       |                           | YES                      |                           |
| <b>3</b>      | <b>Documentation of Restraining and Protective Order on the Control Log</b> |                          |                           |                          |                           |
|               |   | 45/49                    | 92%                       | 54/72                    | 75%                       |
| <b>4</b>      | <b>Required Information Documented in Arrest Reports</b>                    |                          |                           |                          |                           |
|               |   | 9/13                     | 69%                       | 20/84                    | 24%                       |

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**Table II – Summary of the Office of Operations Compliance with Audit Objectives**

| Objective No. | Description of Audit Objectives   | FY 2017                  |                           | 2020                     |                           |
|---------------|---|--------------------------|---------------------------|--------------------------|---------------------------|
|               |   | Number Meeting Standards | Percent Meeting Standards | Number Meeting Standards | Percent Meeting Standards |
| <b>1</b>      | <b>Evaluation of CARPOS Data Integrity</b>                                  |                          |                           |                          |                           |
| 1(a)          | Accuracy and Completeness of Data   | N/A <sup>7</sup>         | N/A                       | 67/72                    | 93%                       |
| 1(b)          | Documentation of the Second Party Verification for Accuracy                 | N/A                      | N/A                       | 66/72                    | 92%                       |
| 1(c)          | Timeliness of Data Entered into CARPOS                                      | N/A                      | N/A                       | N/A <sup>8</sup>         | N/A                       |
| <b>3</b>      | <b>Documentation of Restraining and Protective Order on the Control Log</b> |                          |                           |                          |                           |
|               |   | 45/49                    | 92%                       | 54/72                    | 75%                       |
| <b>4</b>      | <b>Required Information Documented in Arrest Reports</b>                    |                          |                           |                          |                           |
|               |   | 9/13                     | 69%                       | 20/84                    | 24%                       |

**Table III – Summary of the Records & Identification Division Compliance with Audit Objectives**

| Objective No. | Description of Audit Objectives                             | FY 2017                  |                           | 2020                     |                           |
|---------------|---|--------------------------|---------------------------|--------------------------|---------------------------|
|               |   | Number Meeting Standards | Percent Meeting Standards | Number Meeting Standards | Percent Meeting Standards |
| <b>1</b>      | <b>Evaluation of CARPOS Data Integrity</b>                  |                          |                           |                          |                           |
| 1(a)          | Accuracy and Completeness of Data                           | N/A                      | N/A                       | 101/123                  | 82%                       |
| 1(b)          | Documentation of the Second Party Verification for Accuracy | N/A                      | N/A                       | 0/123                    | 0%                        |
| 1(c)          | Timeliness of Data Entered Into CARPOS                      | 34/50                    | 68%                       | 118/123                  | 96%                       |
| <b>2</b>      | <b>Evaluation of the Validation Process</b>                 |                          |                           |                          |                           |
| 2(a)          | Written Validation Procedures are in Place                  | NO                       |                           | YES                      |                           |
| 2(b)          | Monthly Validation Process was Performed                    | NO                       |                           | YES                      |                           |

<sup>7</sup> Objectives were tested in the 2017 audit for the entire Department. Objectives that were not separately tested for OO and R&I are reflected as N/A.

<sup>8</sup> RPOs entered by Areas did not have the date and time information of the RPO and therefore auditors could not determine if Areas were compliant.

## **DETAILED FINDINGS**

### **Objective No. 1 – Evaluation of CARPOS Data Integrity**

Auditors collected 191 of 195 active RPOs entered by Areas and R&I. Four RPOs entered by R&I were not available for AD to review. Auditors included them in the compliance rate calculation. The collected RPOs were examined to determine if all information on the RPOs had been entered into CARPOS accurately, completely, and timely. Auditors selected criteria from the NCIC 2000 Operating Manual and Department Manual, OO Operation Order No. 6, November 30, 2016,<sup>9</sup> and R&I Warrant Teletype Manual.<sup>10</sup>

#### **Objective No. 1(a) – Accuracy and Completeness of Data**

##### **Criteria**

The NCIC 2000 Operating Manual requires that “agencies that enter records in NCIC are responsible for their accuracy, timeliness, and completeness.”<sup>11</sup>

##### **Audit Procedures**

Auditors reviewed 72 RPOs collected from Areas and 119 RPOs collected from R&I.<sup>12</sup> Auditors compared information on the RPOs to information on the CARPOS printouts to determine if the following vital information was accurate and complete:

- Name, gender, and date of birth of the restrained person;
- Name, gender, and age of the protected person(s);
- Stay-away, conduct, and move-out orders;
- Custody information, visitation information;
- Firearm and ammunition prohibitions;
- Issuance and expiration dates; and,
- Proof of service.

The Department met the standard for this Objective if information on the RPO matched information on the related CARPOS printout.

##### **Findings**

In 168 (86%) of 195 instances, the Department met the standard for this Objective. In 67 (93%) of 72 instances, the information entered by Areas was accurate and complete. In 101 (82%) of

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<sup>9</sup> See *Office of Operations Order No. 6*, November 30, 2016, “Restraining and Protective Order Handling Procedure.”

<sup>10</sup> See *Warrant Teletype Manual*, Vehicle Warrant Section, November 2017.

<sup>11</sup> See *NCIC 2000 Operating Manual*, December 1999, Section 3, “Quality Control, Validation, and Other Procedures,” Subsection 3.2, “Maintaining the Integrity of NCIC Records.”

<sup>12</sup> A total of 123 RPOs were evaluated for R&I (119 reviewed RPOs plus four that could not be located). The four not located were considered findings.



123 instances, the information entered by R&I was also accurate and complete. Table IV summarizes the findings that did not meet the standards:

**Table IV - Summary of Objective 1(a) Detailed Findings**

| Area/Division                                | Court Case Number | File Control Number | Detailed Findings   |
|--|-------------------|---------------------|---|
| <b>Office of Operations</b>                  |                   |                     |   |
| North Hollywood                              | OVW03512          | 2742019801189       | RPO issuance and expiration date information differed from information on CARPOS printout.  |
| North Hollywood                              | OVW05125          | 2742102200155       | RPO expiration date information differed from information on CARPOS printout.<br>RPO Stay-Away From restrictions differed from restrictions on CARPOS printout. |
| North Hollywood                              | 20STR005463       | 2742032800042       | RPO Stay-Away From restrictions differed from restrictions on CARPOS printout.  |
| Foothill                                     | 20CHRO01577       | 2742034800035       | RPO May Have Peaceful Contact restriction differed from restrictions on CARPOS printout.  |
| Southeast                                    | 20STRO03681       | 2742023000851       | CARPOS printout did not have a record of RPO's Stay-Away From orders.   |
| <b>Records &amp; Identification Division</b> |                   |                     |   |
| Records & Identification                     | BA486269          | 2742009000553       | Restrained Person (RP) Date of Birth (DOB) on RPO differed from RP DOB on CARPOS printout.  |
| Records & Identification                     | BA477089          | 2742022500028       | RPO expiration date information differed from information on CARPOS printout.   |
| Records & Identification                     | 0CJ02212          | 2742023201057       | RPO court case number differed from case number on CARPOS printout.<br>RPO specific location address differed from address on CARPOS printout.                  |
| Records & Identification                     | BA489066          | 2742023800764       | RPO specific location address differed from address on CARPOS printout.   |
| Records & Identification                     | 0CJ02435          | 2742032400070       | RPO specific location address was not recorded on CARPOS printout   |
| Records & Identification                     | 0CJ02453          | 2742033000225       | Protected Person (PP) DOB on RPO differed form PP DOB on CARPOS printout.<br>PP First Name on RPO differed form PP First Name on CARPOS printout.               |
| Records & Identification                     | BA465361          | 2741804401123       | Distance to Stay-Away from PP on RPO differed from distance on CARPOS printout.   |
| Records & Identification                     | 8CJ02354          | 2742021900134       | RPO did not have Peaceful Contact permission that was recorded on CARPOS printout.  |
| Records & Identification                     | OCJ01970          | 2742017100726       | RPO expiration date information differed from information on CARPOS printout.   |
| Records & Identification                     | BA487219          | 2742013600547       | RPO expiration date information differed from information on CARPOS printout.   |
| Records & Identification                     | 0CJ02496          | 2742034600940       | RPO expiration date information differed from information on CARPOS printout.   |
| Records & Identification                     | BA492018          | 2742035200011       | CARPOS printout does not have record of Stay-Away distance.   |
| Records & Identification                     | 9CJ02142          | 2741919801578       | RPO May Have Peaceful Contact permission was not recorded on CARPOS printout.   |
| Records & Identification                     | BA472939          | 2742008500415       | RP Race on RPO differed form RP Race on CARPOS printout.  |

|                          |          |               |   |
|--------------------------|----------|---------------|---|
| Records & Identification | 0CJ01758 | 2742008400700 | CARPOS printout does not have record of Stay-Away From specific location.   |
| Records & Identification | 0CJ02420 | 2742031800323 | RPO issuance and expiration date information differed from information on CARPOS printout.  |
| Records & Identification | BA483420 | 2742015700948 | RPO expiration date information differed from information on CARPOS printout.   |
| Records & Identification | 0CJ01918 | 2742013000134 | RPO did not have May Have Peaceful Contact permission that was recorded on CARPOS printout. RPO Stay-Away From did not have specific location that was recorded on CARPOS printout. |
| Records & Identification | 0CJ02395 | 2742030700588 | RPO was not located by R&I.   |
| Records & Identification | BA482687 | 2741933100111 | RPO was not located by R&I.   |
| Records & Identification | 0CJ02488 | 2742034500932 | RPO was not located by R&I.   |
| Records & Identification | BA491942 | 2742035101148 | RPO was not located by R&I.   |

**Objective No. 1(b) – Documentation of the Second Party Verification for Accuracy**

**Criteria**

The NCIC 2000 Operating Manual requires that “the accuracy of NCIC records is an integral part of the NCIC System. The accuracy of a record must be double-checked by a second party.”<sup>13</sup> Office of Operations Order No. 6, November 30, 2016, provides guidance to Area records personnel who perform the second party verification. The Order mandates that “a second party must verify the documents for accuracy. Verification that the order and its attachments have been entered into the system and reviewed by a second party shall be indicated by a red stamp placed on the bottom right-hand corner of the first page of the documents. On this stamp is written the name of the records personnel performing the second party verification.”<sup>14</sup>

The R&I personnel imprint the Restraining Order (RO) stamp on the CARPOS printout’s upper right-hand corner. According to the Warrant Teletype Manual, R&I personnel are required to “fill in the 2<sup>nd</sup> Party of the RO stamp with serial number and the date.”<sup>15</sup>

**Audit Procedures**

Auditors collected 72 RPOs from Areas and 119 RPOs and CARPOS printouts from R&I. Auditors examined the RPOs to determine whether the Areas and R&I personnel documented the second party verification by writing either their name or serial number on the RO stamp’s 2<sup>nd</sup>

<sup>13</sup> See *NCIC 2000 Operating Manual*, December 1999, “Introduction,” Section 3, “Quality Control, Validation, and Other Procedures,” Subsection 3.2, “Maintaining the Integrity of NCIC Records,” Subsection 1, “Accuracy,”

<sup>14</sup> See *Office of Operations Order N. 6*, November 30, 2016, “Restraining and Protective Order Handling Procedure,” p. 1.

<sup>15</sup> See *Warrant Teletype Manual*, Vehicle Warrant Section, November 2017, “Restraining Orders – CARPOS,” Section “RO Process,” p. 138.

party line. The Department met the standard for this Objective if the Areas and R&I personnel documented the second party verification.

### Findings

In 66 (92%) of 72 instances, Area personnel documented the second party verification and met the standard for this Objective. In 119 instances, R&I personnel did not document the second party verification. Additionally, R&I could not locate four RPOs, bringing the total RPOs for this Objective to 123. These RPOs do not meet the standard for this Objective and therefore R&I's compliance rate for this objective is zero percent (0%).

### Objective No. 1(c) – Timeliness of Data Entered Into CARPOS

#### Criteria

The NCIC 2000 Operating Manual requires that “NCIC records must be entered immediately when the conditions for entry are met. ... The only exceptions to immediate entry are when otherwise prescribed by federal law or when documentation exists to support delayed entry.”<sup>16</sup>

The Department Manual specifies that “inputting the RO should be a priority over other tasks due to the victim being placed in a high-risk situation and should be completed no later than 24 hours from receipt of a restraining and/or protective order.”<sup>17</sup>

Records and Identification Division's Warrant Teletype Manual provides guidelines on how to acknowledge the date and time of the RPO receipt. The guidelines require that “in each case, as soon as an order is received in WTU,<sup>18</sup> it should be date stamped using the time clock. **Stamp the first page of the order along the bottom left margin.**”<sup>19</sup>

#### Audit Procedures

Auditors compared the date and time of the RPO receipt to the date and time of the RPO data entry on the CARPOS printout to determine if the information was entered into CARPOS within 24 hours. The Department met the standard for this Objective if an RPO first entry or RPO modification was made within 24 hours after receiving the RPO.

### Findings

Auditors noted that all RPOs entered by Areas did not have the date and time of the RPOs receipt. As a result, auditors could not determine if Areas complied with the 24-hour requirement (see Recommendation No. 1).

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<sup>16</sup> See *NCIC 2000 Operating Manual*, December 1999, “Introduction,” Section 3, “Quality Control, Validation, and Other Procedures,” Subsection 3.2, “Maintaining the Integrity of NCIC Records,” Subsection 2, “Timeliness.”

<sup>17</sup> See *Department Manual*, 3<sup>rd</sup> Quarter 2020, Vol. 4, “Line Procedures,” Section 216.03, “Restraining Orders.”

<sup>18</sup> Warrant Teletype Unit (WTU) is a part of R&I.

<sup>19</sup> See *Warrant Teletype Manual*, Vehicle Warrant Section, November 2017, “Restraining Orders – CARPOS”, Section “Stamp Incoming Restraining Orders,” p. 41.

**Note:** The 2017 audit revealed a similar problem and provided a recommendation to update the Department policy to require date/time stamp on every RPO received. The OO subsequently reported to AD that they received the equipment to do so, but the policy was not updated and OO did not implement the use of date/time stamps.

The R&I uses an automatic date and time stamping machine to document the RPO received. As soon as the RPO is received, R&I personnel stamp the first page of the RPO along the top left margin. Auditors used the stamp mark to determine if R&I was compliant with the 24-hour requirement. It should be noted that R&I has acceptable policies in place and effective procedures to comply with a 24-hour requirement of data entry into CARPOS upon RPO receipt and can be used as a model for developing Department-wide policy.

In 118 (96%) of 123 instances R&I completed the RPOs' first entry or modification within 24 hours and met the standard for this Objective. The R&I did not enter one RPO within 24 hours and could not locate four other RPOs and these did not meet the standard for this Objective. The following table summarizes the findings:

**Table V - Summary of Objective 1(c) Detailed Findings**

| Division                 | Court Case Number | File Control Number | Detailed Findings                    |
|--------------------------|-------------------|---------------------|--------------------------------------|
| Records & Identification | OES05022          | 2742005300547       | RPO was not entered within 24 hours. |
| Records & Identification | BA482687          | 2741933100111       | RPO was not located by R&I.          |
| Records & Identification | 0CJ02488          | 2742034500932       | RPO was not located by R&I.          |
| Records & Identification | 0CJ02395          | 2742030700588       | RPO was not located by R&I.          |
| Records & Identification | BA491942          | 2742035101148       | RPO was not located by R&I.          |

**Objective No. 2 – Evaluation of the Validation Process**

The NCIC 2000 Operating Manual establishes the requirements and procedures for the validation process to ensure accuracy and completeness of data in CARPOS. Auditors reviewed R&I's validation procedures for compliance with the NCIC 2000 Operating Manual.

**Objective No. 2(a) – Written Validation Procedures are in Place**

**Criteria**

The NCIC 2000 Operating Manual states that “validation procedures must be formalized, and copies of these procedures must be on file for review during an FBI California Justice Information Services (CJIS) audit.”<sup>20</sup>

<sup>20</sup> See *NCIC 2000 Operating Manual*, December 1999, “Introduction,” Section 3, “Quality Control, Validation, and Other Procedures,” Subsection 3.4, “Validation,” Subsection 4, “Validation Procedures.”

### **Audit Procedures**

Auditors requested a copy of the formalized RPO validation procedures from R&I for review. The Department met the standard for this Objective if R&I provided the formalized RPO validation procedures.

### **Findings**

The R&I presented AD with the Office of Support Services' Notice "Terminal Agency Coordinators – Established" dated October 20, 2020 (Notice). The Department met the standard for this Objective because the Notice outlined formalized RPO validation procedures. The AD recommends incorporating the Notice's validation procedures into the Department Manual to help ensure that automated records are periodically validated by Department entities (see Recommendation No. 2).

### **Objective No. 2(b) – Monthly Validation Process Was Performed**

The CADOJ uses the Peak Performance CJIS Validation Application. This allows instant access and ability to validate records upon receipt.<sup>21</sup> While validating through the application does not update the record in CLETS and NCIC, the application confirms that the validation was performed and prints a validation report.

### **Criteria**

The NCIC 2000 Operating Manual states that "validation obliges the ORI<sup>22</sup> to confirm that the record is complete, accurate, and still outstanding or active."<sup>23</sup> Effective February 1, 2019, CADOJ automated the NCIC monthly validation process and replaced the manual process of mailing records and faxing documents.

### **Audit Procedures**

Auditors requested validation reports for November and December of 2020. The Department met the standard for this Objective if R&I presented AD with the requested validation reports.

### **Findings**

The R&I provided AD with monthly validation reports for November and December of 2020. The reports indicated that R&I validated 1,088 RPOs in November and 932 RPOs in December 2020. The R&I met the standard for this Objective.

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<sup>21</sup> See *Information Bulletin 18-13-CJIS*, December 28, 2018, "All California Law Enforcement Telecommunications (CLETS) Users."

<sup>22</sup> An Originating Agency Identifier (ORI) is a numerical code that identifies the responsible law enforcement agency. Each Area and R&I have different ORIs.

<sup>23</sup> See *NCIC 2000 Operating Manual*, December 1999, "Introduction," Section 3, "Quality Control, Validation, and Other Procedures," Subsection 3.4, "Validation," Subsection 1."

**Objective No. 3 – Documentation of Restraining and Protective Order on the Control Log**

**Criteria**

The Department Manual requires that an Area Subpoena Control Officer (ASCO) “upon receipt of an RO and proof of service ... maintain a Restraining Order Control Log, Form 15.40.00, of valid orders on file.”<sup>24</sup> In addition, the Department Manual specifies that “only Areas are required to use this form. Records and Identification Division (R&I) may use its own Restraining Order Log.”<sup>25</sup>

**Audit Procedures**

Auditors selected 72 RPOs entered by Areas during the audit period from the Active Restraining and Protective Order population. Auditors also collected related Restraining Order (RO) Control Logs. Geographic Area subpoena control and desk officers used a RO Control Log to record the receipt of orders.

The RO Control Log has the following columns: names of the involved parties, addresses restrained from, issue and expiration dates, and court case number. Auditors reviewed information on the RO Control Logs and compared it to the information on the RPOs. The Department met the standard for this Objective if the RO Control Log contained the correct names of the involved parties, addresses restrained from, issuance and expiration dates, and court case number.

**Findings**

In 54 (75%) of 72 instances, the Department met the standard for this Objective. The following table summarizes the findings that did not meet the standard:

**Table VI - Summary of Objective 3 Detailed Findings**

| ARFA        | Court Case Number | File Control Number | Detailed Findings   |
|-------------|-------------------|---------------------|---|
| Rampart     | 17STRO05378       | 2741801900577       | RO Control Log, Address Restrained From column had RP address instead of PP home address. |
| Rampart     | 20STRO03233       | 2742019901034       | RO Control Log had RP address instead of PP home address.                                 |
| Southwest   | 20STRO03467       | 2742021900555       | RPO was not recorded on the RO Control Log  |
| Hollenbeck  | BA486383          | 2742009300575       | RO Control Log did not have Stay-Away From address in the Address Restrained From column. |
| West LA     | 0A200818          | 2742025700201       | RO Control Log did not have Stay-Away From address in Address Restrained From column.     |
| West Valley | 0VW03149          | 2742034100150       | RO Control Log, Address Restrained From column had an address that is not on RPO.         |

<sup>24</sup> See *Department Manual*, 3rd Quarter 2020, Vol. 4, “Line Procedures,” Section 216.03, “Restraining Orders.”

<sup>25</sup> See *Department Manual*, 3rd Quarter 2020, Vol. 3, “Management Rules and Procedures,” Section 210.10, “Subpoena Control Officer’s – Responsibilities.”

|                         |             |               |   |
|-------------------------|-------------|---------------|---|
| Foothill                | 20PDRO00956 | 2742028200104 | RO Control Log had the wrong address in the Address Restrained From column.                                 |
| Foothill                | 20CHRO01577 | 2742034800035 | RO Control Log did not have a court case number and Move-Out address in the Address Restrained From column. |
| Devonshire              | T200010526  | 2742036500025 | RO Control Log did not have Stay-Away From address in Address Restrained From column.                       |
| Topanga                 | 0VW01752    | 2742003500273 | RO Control Log had the incorrect RPO expiration date.   |
| Southeast               | 20STRO03681 | 2742023000851 | RO Control Log had incorrect court case number.   |
| Southeast               | 20STRO03680 | 2742023000840 | RO Control Log had incorrect court case number.   |
| 77 <sup>th</sup> Street | 19CMRO02120 | 2742004100751 | RO Control Log was not located by Area.   |
| North Hollywood         | OVW03512    | 2742019801189 | RO Control Log was not located by Area.   |
| North Hollywood         | OVW02447    | 2742008800345 | RO Control Log was not located by Area.   |
| North Hollywood         | OVW04315    | 2742030300073 | RO Control Log was not located by Area.   |
| North Hollywood         | 9VW06393    | 2742006100068 | RO Control Log was not located by Area.   |
| North Hollywood         | 20STR005463 | 2742032800042 | RO Control Log was not located by Area.   |

**Objective No. 4 – Required Information Documented in Arrest Reports**

**Criteria**

The Department Manual mandates that “the narrative section of related crime and arrest reports must contain the following information:

- Court case number assigned to the order;
- Expiration date of the order;
- Manner in which the proof of service was accomplished and by whom; and,
- Verbatim listing of the conditions of the order.”<sup>26</sup>

**Audit Procedures**

Auditors collected 84 RPO violation arrest reports completed by the Areas from November 1 through December 31, 2020. Auditors reviewed the narrative section of the arrest reports to determine if the sections had the required information. The Department met the standards for this Objective if the arrest report’s narrative section contained all required information.

<sup>26</sup> See *Department Manual*, 3rd Quarter 2020, Vol. 4, “Line Procedures,” Section 216.03, “Restraining Orders.”

## Findings

Twenty (24%) of 84 arrest report narrative sections contained all required information. The 64 arrest report narrative sections that did not meet the standard did not include at least one of the four requirements. Table VII summarizes the compliance for each Objective No. 4 standard:

**Table VII – Summary of Compliance with Objective 4 Standards**

| Description of Audit Objective No. 4 Criteria Standards           | Number Meeting Standards | Percent Meeting Standards |
|---|--------------------------|---------------------------|
| Court case number assigned to the order                           | 75/84                    | 89%                       |
| Expiration date of the order                                      | 52/84                    | 62%                       |
| Manner in which the proof of service was accomplished and by whom | 31/84                    | 37%                       |
| Verbatim listing of the conditions of the order                   | 56/84                    | 67%                       |

## RECOMMENDATIONS

Audit Division recommends that:

1. The Commanding Officer (CO), Office of Constitutional Policing and Policy (OCP), amend the Department Manual to require a date or time stamp on every Restraining and Protective Order (RPO) filed with Areas and Records and Identification Division (R&I) (Objective No. 1(c)).
2. The CO, OCP, amend the Department Manual by incorporating the RPO validation procedures outlined in the Office of Support Services' Notice "Terminal Agency Coordinators – Established" dated October 20, 2020. (Objective No. 2(a)).
3. The Office of Operations amend Department Manual, Vol. 3, "Management Rules and Procedures," Section 210.10, "Subpoena Control Officer's – Responsibilities" and Vol. 4, "Line Procedures," Section 216.03, "Restraining Orders" to provide information regarding:
  - a. How to maintain the RO Control Log (OO) and RO Log (R&I); and,
  - b. List information that shall be entered on the form. (Objective No. 3).
4. The Department provide additional training to officers regarding the requirements outlined in Department Manual, Vol. 3, 3rd Quarter 2020, Vol. 4, "Line Procedures," Section 216.03, "Restraining Orders." (Objective No. 4).

## ACTIONS TAKEN/MANAGEMENT RESPONSE

Auditors presented the findings to the Director, OO, and the Commanding Officer, R&I, and both expressed general agreement with the audit. The R&I included a proposal to improve second party verification compliance in a 15.2 response to the audit, attached.



Restraining and Protective Order Audit

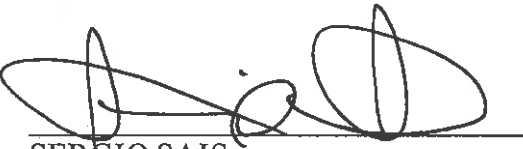
APPENDIX

**Audit Division Contact:** Police Performance Auditor III Gennadiy Danilkevich, N4813,  
(213) 486-8378 or [N4813@lapd.online](mailto:N4813@lapd.online)




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GENNADIY DANILKEVICH  
Project Manager, Audit Division



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SERGIO SAIS  
Officer in Charge, Audit Division



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KATERINA D. UNZICKER  
Commanding Officer, Audit Division

## INTRADEPARTMENTAL CORRESPONDENCE

June 23, 2021  
11.2

**TO:** Commanding Officer, Audit Division

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

**SUBJECT:** 2020 RESTRAINING AND PROTECTIVE ORDER AUDIT - RESPONSE

In accordance with the Los Angeles Police Department's (Department) 2020 annual audit plan, Audit Division (AD) conducted the Restraining and Protective Order (RPO) audit which evaluated the Department's adherence to policies and procedures related to legal orders issued against individuals.

The audit focused on determining whether RPOs were entered into the California Restraining and Protective Order System (CARPOS) in an accurate, complete, and timely manner. A total of 4,341 active RPOs were entered into CARPOS during the period of January 1, 2020 through December 31, 2020. Audit Division sampled 72 RPOs filed with the Office of Operations (OO) 21 geographic Areas and 123 RPOs filed with the Records and Identification Division (R&I).

The Office of Operations reviewed the report and the following is a summary of AD's findings as it pertains to the 21 geographic Areas:

- **Objective No. 1(a) – Accuracy and Completeness of Data:** 67 out of 72 (93%) RPOs sampled met the standards for this objective in which the RPO information matched the data entered into CARPOS.
- **Objective No. 1 (b) – Documentation of the Second Party Verification for Accuracy:** 66 out of 72 (92%) RPOs sampled met the standard as a second party check was documented.
- **Objective No. 3(a) – Documentation of Restraining and Protective Order on the Control Log:** 54 out of 72 (75%) of the RPOs sampled met the standard as the RPO was documented on the geographic Area's respective Control Log.
- **Objective No. 4 – Required Information Documented in Arrest Reports:** 20 out of 84 (24%) reports sampled met the standards if they contained all of the following information in the narrative section of the arrest report:
  - Court case number assigned to the order;
  - Expiration date of the order;
  - Manner in which the proof of service was accomplished and by whom; and,
  - Verbatim listing of the conditions of the order.

## Office of Operations Response and Action Plans

### Objective No. 1(a) and 1(b):

The Office of Operations concurs with AD's findings and will address the deficiencies as follows:

1. Involved commands will be instructed to follow up and address the discrepancies noted by AD; and,
2. All bureau commanding officers will be reminded of the related Department policy regarding the restraining and protective order process to ensure appropriate training is disseminated to geographic Area personnel.

Additionally, the Office of Operations discussed the deficiencies with the personnel responsible for processing RPOs and provided supplemental training to ensure RPOs are processed in an accurate, complete, and timely manner.

### Objective No. 3(a):

With respect to objective 3(a), while OO agrees with AD's findings, it was noted that AD tested RPOs that were already in the system to those entries recorded in the Control Log. The Control Log functions primarily as an administrative tool in finding RPOs if they cannot first be located in CARPOS. As the RPOs were already in CARPOS, the risk of not locating a RPO would be non-existent as Department personnel would not have reviewed the Control Log in the first place.

The priority for Department personnel is to enter all RPOs within 24 hours of receipt. As such, RPOs are first entered into CARPOS and then logged onto the paper Control Log. Department Manual, Volume 4, Section 216.03 – Restraining Orders states, "In all instances, the FCN<sup>1</sup> shall take precedence for tracking purposes. Inputting the RO should be a priority over other tasks due to the high risk of incident to the victim, and should be completed no later than 24 hours from receipt of a restraining and/or protective order."

Due to civilian furloughs and retirements resulting from the Separation Incentive Program (SIP), the Office of Operations has a concern that geographical Areas may not have the number of records clerks available to perform all the record keeping and data entry functions in a timely manner. Currently, the responsibility is split among various personnel based on availability. Given the 24 hour requirement, it would be prudent to allow the geographical Areas discretion in who would be responsible for data entry and record keeping as the volume of work and resources available may vary from Area to Area. As such, processing the RPOs within 24 hours would take precedence over the maintenance of the Control Log.

However, the Office of Operations recognizes that the RPO intake process requires improvement and will collaborate with the Area Records Managers Association (ARMA) to provide training at the geographical Area level. Both will work to ensure that RPOs are date stamped upon receipt; and implement other RPO process improvements as necessary.

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<sup>1</sup> File Control Number

Objective No. 4:

With respect to objective 4, the Office of Operations also agrees that improvement is required as it relates to the documentation of information in the arrest narrative. The policy is in place to ensure that RPO related arrests are properly supported. The Office of Operations Inspections Unit reviewed the reports in question and noted that while information related to: (i) court case number assigned to the order, (ii) expiration date of the order, (iii) manner in which the proof of service was accomplished and by whom; and, (iv) verbatim listing of the conditions of the order, were not in the arrest narrative section of the report, they were in some cases referenced in the narrative of additional pages of the arrest report. Often, officers will attach the RPO as a page in the arrest report and by doing so, three of the four required elements are satisfied. Furthermore, one main objective for officers in the field is to ensure that the RPO is active. The manner in which the RPO was served can be difficult to ascertain in the field as RPOs are served via the courts, the Los Angeles County Sheriff's Department, and other third parties. In accordance with Operations Order No. 6, Restraining and Protective Order Handling Procedure, dated November 30, 2016, proof of service is reviewed at the geographic Area level by the records clerks to ensure the RPO was properly served to the restrained party/respondent. As this verification has already been performed by the records clerks, it reduces the need to document the manner in which the RPO was served in the arrest narrative.

Lastly, the OO Inspections Unit reviewed additional documentation and available Body Worn Video (BWV) and revealed that although officers did not document the required information in the narrative, 82 out of 84 (98%) incidents did provide evidence the RPO was reviewed by officers; therefore, mitigating the risk of an improper arrest.

The Office of Operations will work to enhance and clarify the RPO documentation process through the following:

1. Research and work with the Office of Constitutional Policing and Policy (OCP) to determine whether the "manner in which the proof of service was accomplished and by whom" is required, and crucial information to be noted in the arrest report narrative;
2. Research and work with OCP to determine whether references to other sections of the arrest report would be sufficient when documenting RPO information;
3. Research and work with OCP to update policy related to the maintenance of the Restraining Order Control Log;
4. Work with Training Bureau to develop training materials as needed to supplement any forthcoming policy changes; and,
5. To help facilitate training at the Area level with respects to the RPO process, forward all deficiencies noted by AD to the four geographical Bureau Inspection Units to be discussed at their quarterly meetings with the Bureau and Area Training Coordinators.

Commanding Officer, Audit Division

Page 4

11.2

If you have any questions regarding this correspondence, please contact  
Police Performance Auditor IV Yadira Huerta, Inspections Unit, Office of Operations,  
at (213) 486-6950.

A handwritten signature in black ink, appearing to be 'T. Scott Harrelson', written in a cursive style.

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

INTRADEPARTMENTAL CORRESPONDENCE

June 15, 2021  
10.4

**TO:** Commanding Officer, Audit Division

**FROM:** Commanding Officer, Records and Identification Division

**SUBJECT:** RESPONSE TO THE 2020 RESTRAINING AND PROTECTIVE ORDER  
AUDIT

Records and Identification Division (R&I) has reviewed the report relative to the Los Angeles Police Department, Restraining and Protective Order Audit 2020. The R&I generally agrees with the findings; however, offers the following comments:

**Objective No. 1(b) – Documentation of the Second Party Verification for Accuracy**

R&I's compliance rate for completing second party verifications on restraining orders is zero percent (0%). The R&I Vehicle Warrant Section (VWS) is required to meet several Department of Justice (DOJ) mandates relative to numerous automated systems of which the Department is an end-user. Concurrently, R&I is required to respond in real-time to telephonic and in-person requests to enter/modify entries by Department personnel, other law enforcement personnel, private tow companies, and repossession companies. The VWS has continually suffered from a personnel shortage, such that minimum deployment on watches could not be regularly met. With numerous employees with medical conditions approved to stay at home during COVID19 beginning in March 2020, and the retirements resulting from the Separation Incentive Program (SIP), the VWS is severely short-staffed. Triage of priority and mandatory assignments and tasks resulted in the second party verification of restraining orders as one of the lesser priorities, given the limited number of personnel.

As a result of this audit, R&I has once again reviewed the mandatory requirements of the VWS. Second party verifications remain a low priority, until additional personnel can be hired.

If you have questions, please contact me at [terry.carter@lapd.online](mailto:terry.carter@lapd.online), or, (213) 486-8170.



TERRY L. CARTER, Police Administrator  
Commanding Officer  
Records and Identification Division