

## INTRADEPARTMENTAL CORRESPONDENCE

July 26, 2023  
14.2

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

**FROM:** Chief of Police

**SUBJECT:** ARREST, BOOKING, AND CHARGE AUDIT (AD NO. 23-001)

### 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 compliance with Department policies and procedures.

If additional information regarding this audit is required, please contact Police Administrator Sharon Sargent, Commanding Officer, Audit Division, at (213) 486-8480 or N1039@lapd.online.

Respectfully,

A handwritten signature in blue ink, appearing to be 'M. Moore', written over a circular stamp or mark.

MICHEL R. MOORE  
Chief of Police

Attachment

# **ARREST, BOOKING, AND CHARGE AUDIT**

**Conducted by  
Audit Division  
2023**

## **OVERVIEW**

In accordance with the Los Angeles Police Department (Department) 2023 Annual Audit Plan, Audit Division (AD) conducted the Arrest, Booking, and Charge (ABC) Audit to determine whether the Department's policies and procedures were followed.

The Department's compliance rates were as follows:

- The arrest report was consistent with the Body Worn Video (BWV) regarding reasonable suspicion and probable cause 100 percent of the time [*Objective No. 1(a)*];
- The arrest report was consistent with the BWV regarding search and seizure 100 percent of the time [*Objective No. 1(b)*];
- The watch commander or their designee approved the arrest reports 100 percent of the time [*Objective No. 2(a)*]; and,
- Supervisory approval for booking arrestees occurred 100 percent of the time [*Objective No. 2(b)*].

## **BACKGROUND**

Audit Division developed the ABC Audit to address risk management issues, assess operations, and provide timely information to Department management pertaining to arrest reports. This audit was conducted to ensure officers are complying with the law, Department policies and procedures, and not engaging in illegal detentions or arrests.

## **PRIOR AUDITS**

The last ABC Audit was conducted in 2021 and was comprised of these three objectives:

- Legality of underlying action;
- Consistency of information in the arrest reports; and,
- Supervisory oversight.

Auditors did not have any recommendations for the 2021 ABC Audit.

## **SCOPE AND METHODOLOGY**

Auditors focused on high risk arrests. The following arrests were excluded from the population as they did not meet the testing criteria for this audit:

- Los Angeles Municipal Code violations/misdemeanor charges;
- Arrests made by specialized divisions;
- Juvenile arrests;
- Warrant arrests;

- Outside agency arrests;
- Any booking without an arrest report narrative; and,
- Traffic related arrests.

Auditors selected a random sample of 59 arrest report packages from October 1, 2022, through December 31, 2022, from 4,513 arrests in the Department’s 21 geographic Areas.<sup>1</sup>

**SUMMARY OF FINDINGS**

**Table No. 1 – Summary of Findings 2021 and 2023 Audits**

Objective No.	Audit Objectives	2021		2023	
		Number Meeting Standards/ Evaluated	Percent Meeting Standards	Number Meeting Standards/ Evaluated	Percent Meeting Standards
<b>1</b>	<b>Consistency of Arrest Report Information and BWV</b>				
1(a)	Consistency with Reasonable Suspicion and Probable Cause between the Arrest Report and BWV	59/59	100%	59/59	100%
1(b)	Consistency with Search and Seizure between the Arrest Report and BWV	59/59	100%	59/59	100%
<b>2</b>	<b>Evaluation of Supervisory Oversight</b>				
2(a)	Approval of Arrest Reports	58/59	98%	59/59	100%
2(b)	Booking Approval	57/59	97%	59/59	100%

**DETAILED FINDINGS**

**Objective No. 1 – Consistency of Arrest Report Information with the BWV**

This objective compared the information in the arrest report to its corresponding BWV regarding reasonable suspicion, probable cause, and search and seizure.

**Objective No. 1(a) – Consistency with Reasonable Suspicion and Probable Cause between the Arrest Report and BWV**

**Criteria**

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

<sup>1</sup>Auditors used a one-tail test with a 95 percent confidence level, a five percent error rate, and a 96 percent proportion of success to determine the sample size.

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 eyewitnesses, 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. But often the decision to detain is based on a variety of circumstances which, when considered as a whole, are sufficiently suspicious to justify a detention.

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

The Fourth Amendment requires probable cause to make an arrest. 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 59 arrest reports to determine if reasonable suspicion and probable cause was articulated in the arrest report and consistent with the BWV. The Department met the standard if the arrest report articulated reasonable suspicion and probable cause for the detention and arrest, and the BWV verified the actions documented on the arrest report.

## **Findings**

Each of the 59 (100 percent) arrest report packages met the standard.

## **Objective No. 1(b) – Consistency with Search and Seizure between the Arrest Report and BWV**

### **Criteria**

*Department Manual*, 2nd Quarter 2022, 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.

Both the Constitution of the United States and the Constitution of the State of California prohibit “unreasonable” searches and seizures of people, houses, and personal property.

“The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” (Fourth Amend., U.S. Const.) California’s similar provision is article I, section 13 of our state Constitution.<sup>2</sup>

### **Audit Procedures**

Auditors reviewed each arrest report and the corresponding BWV to evaluate the legal basis for the search and seizure. The Department met the standard if an arrest report articulated the legal justification for the search/seizure and the BWV verified the actions documented on the arrest report.

### **Findings**

Each of the 59 (100 percent) arrest report packages met the standard.

### **Objective No. 2 – Evaluation of Supervisory Oversight**

Objective Nos. 2(a) and 2(b) included the evaluation of supervisory approval of the arrest reports and booking approvals.

### **Objective No. 2(a) – Approval of Arrest Reports**

#### **Criteria**

*Department Manual*, 2nd Quarter 2022, Vol. 4, “Line Procedures,” Section 216.01, “Advice/Approval on Felony Bookings,” states:

**Arrest Reports.** Consistent with current procedures, 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 policies and procedures taking into account the booking recommendation. . . Subsequent to review, the watch commander or his/her designee shall indicate approval by signing (including serial number) the report(s).

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<sup>2</sup>California Department of Justice, Office of the Attorney General, California Peace Officers Legal Sourcebook, Revision 220, January 2023, Chap. 2, "Search and Seizure - Persons," Section I "Introduction."

## **Audit Procedures**

Auditors reviewed each arrest report to determine if the watch commander or a supervisor designated by the watch commander, signed the reports. If so, the Department met the standard.

## **Findings**

Each of the 59 (100 percent) of the arrest report packages met the standard.

## **Objective No. 2(b) – Booking Approval**

### **Criteria**

*Department Manual*, 2nd Quarter 2022, Vol. 4, “Line Procedures,” Section 216.01, “Advice/Approval on Felony Bookings,” states:

**Booking Approval Procedure.** Booking approval for any arrest shall only be obtained from a geographic Area watch commander or the Watch Commander, Metropolitan Jail Section, Custody Services Division. When providing booking approval, the watch commander shall review each arrest for appropriateness, legality, and conformance with Department policy and procedure. When booking is approved, the watch commander shall complete the Booking Approval and sign his or her name and serial number in the “AREA WATCH COMMANDER APPROVING BOOKING/O.R/STRIP” section of the form, and complete the “CONDITIONS FOR NON-ELEGIBILITY FOR RELEASE” section near the bottom of the form.

## **Audit Procedures**

Auditors reviewed each arrest report to determine whether the booking approval was obtained from the geographic Area watch commander or the Watch Commander, Metropolitan Jail Section, Custody Services Division. Arrest reports that contained the proper documentation of approval met the standard for this objective.

## **Findings**

Each of the 59 (100 percent) arrest report packages met the standard.

## **MANAGEMENT’S RESPONSE**

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