INTRADEPARTMENTAL CORRESPONDENCE

June 18, 2024
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: JUVENILE DETENTION PROCEDURES AUDIT (AD NO. 24-001)

RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Juvenile Detention Procedures Audit.

DISCUSSION

Audit Division conducted the Juvenile Detention Procedures 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.

Respectfully,

DOMINIC H. CHOI
Chief of Police

Attachment

JUVENILE DETENTION PROCEDURES AUDIT
Conducted by
Audit Division
2024

OVERVIEW

In accordance with the Los Angeles Police Department's (Department) 2024 Annual Audit Plan, Audit Division (AD) conducted the Juvenile Detention Procedures Audit to determine whether detention procedures related to juveniles complied with Department policies and procedures, as well as state and federal laws and regulations.

BACKGROUND

The *Department Manual* has specific requirements on handling juvenile arrests and detentions. This audit focuses on the length of detention, advisement of telephone calls, advisement of Miranda Rights, and release.

As of January 1, 2018, California Senate Bill (SB) No. 395 added Section 625.6 to the California Welfare and Institutions Code (WIC). The section requires that minors 17 years old and younger consult with an attorney in person, by telephone, or by video conference prior to a custodial interrogation, and before waiving any Miranda rights.

PRIOR AUDITS

Audit Division completed a Juvenile Notification Procedures Inspection in 2020. The inspection was comprised of two objectives and four sub objectives.

SCOPE AND METHODOLOGY

Auditors obtained a data run of arrests made by Department personnel of individuals under the age of 18 years during the audit period of October 1, 2023, through December 31, 2023. Auditors identified a population of 739 juvenile arrests.[1] Auditors then obtained a statistically valid and stratified random sample of 84 arrest packages to review.[2]

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[1] Auditors excluded all infractions and non-custodial arrests, including Sections 300(a) WIC, and outside agency arrests.

[2] Auditors applied a one-tail test with a 95 percent confidence level and an error rate of five percent for the sample selection.

Table No. 1 summarizes the findings by objective and, where applicable, compares them to the 2020 inspection findings:

Table No. 1 – Summary of Findings by Objective

Objective No.	Description of Objective	2020		2023	
		Number Meeting Standard/ Evaluated	Percent Meeting Standard	Number Meeting Standard/ Evaluated	Percent Meeting Standard
1	**Detention**				
1(a)	Length of Detention	N/A	N/A	82/84	98%
1(b)	Evaluation of Detention Logs	N/A	N/A	79/84	94%
2	**Right to Telephone Calls**				
2(a)	Advisement of Telephone Calls	56/75	75%	50/84	60%
2(b)	Documentation of Telephone Calls	49/76	64%	47/84	56%
3	**Advisement of Rights**				
3(a)	Advisement of Miranda Rights	N/A	N/A	80/84	95%
3(b)	Welfare and Institutions Code 625.6 Advisement	N/A	N/A	84/84	100%

Objective No. 1 – Detention

This objective included an evaluation on the length of detention and secured and non-secured detention procedures.

Objective No. 1(a) – Length of Detention

Criteria

Department Manual, Section 4/218.66, *Temporary Detention of Juveniles at Department Facilities*, dated Quarter 1, 2023, states:

> *"Juveniles shall not be held in temporary detention in a Department facility for more than six hours, regardless of age or type of offense. Regardless of the nature of the offense or status of the investigation, juveniles* ***shall*** *be released to a parent, guardian, responsible relative or adult designated by the parent, or transported to a Los Angeles County Probation Department juvenile detention facility prior to the expiration of the six-hour temporary detention time limit."*

Audit Procedures

Auditors reviewed each of the 84 Secured and Non-Secured Juvenile Detention Logs to determine whether juvenile arrestees were held in temporary detention in a Department facility for more than six hours. If a juvenile was not held more than six hours, the Department met the standard for this objective.

Findings

Auditors determined that 82 (98 percent) of the 84 detentions reviewed met the standard. The two detentions that did not meet the standard are based on the times documented on the juvenile detention logs which exceed the six-hour requirement.

One juvenile detention log indicated the total time in the facility was seven hours and the second log indicated the total time in the facility was eight hours.

Objective No. 1(b) – Evaluation of Detention Logs

Criteria

Department Manual, Section 4/218.66, *Temporary Detention of Juveniles at Department Facilities*, dated Quarter 1, 2023, states:

> ***"Secure Detention of Juveniles***. *...A juvenile held in secure detention shall meet* ***all*** *of the following criteria:*
>
> - *The juvenile must be 14 years of age or older; and,*
> - *The juvenile must be in custody for a Section 602 WIC offense; and,*
> - *The officer has reasonable belief that the juvenile poses a serious security risk and/or risk of harm to self or others; and,*
> - *The detention must be for the purpose of investigating the crime, facilitating release to a parent or guardian, or arranging a transfer to an approved juvenile detention facility....*
>
> ***Secure Detention Procedures***. *All secure-detained juveniles shall only be logged on the proper Secure Juvenile Detention Log, Form 09.05.00, located in the initial Department facility the juvenile enters....*
>
> *Department employees placing juveniles in secure detention shall adhere to the following procedures:*
>
> - *The Department employees shall immediately document the detention and the arrest charge on the Secure Juvenile Detention Log, and ensure that the approving supervisor* ***signs*** *the log;...*
> - *Juveniles securely detained in a locked room or enclosure shall be* ***randomly checked*** *by a Department employee not more than 30 minutes following any*

previous observation, and shall be able to be heard by a Department employee at all times....

Non-Secure Detention Procedures.

*All non-secure detained juveniles shall **only** be logged on the proper Non-Secure Juvenile Detention Log, Form 09.06.00, located in the initial Department facility the juvenile enters. Juveniles may be held in non-secure detention only long enough for officers to investigate the crime, facilitate release of the juvenile to a parent or guardian, or arrange for transfer of the juvenile to an appropriate juvenile facility. In any case, detention **shall not** exceed six hours.*

The Department employee shall present all non-secure detained juveniles to the watch commander upon entry into a Department facility. The approval of the concerned watch commander shall be obtained prior to placing a juvenile in non-secure detention.

*Department employees shall immediately document the detention and the arrest charge on the Non-Secure Juvenile Detention Log, and ensure that the log is **signed** by the supervisor approving detention. Juveniles shall be under the constant observation and supervision of a Department employee. Observation by television monitor is not sufficient; **constant in-person observation** is required."*

Audit Procedures

Auditors reviewed each of the 84 arrest packages and determined that 22 Secured Juvenile Detention Logs and 62 Non-Secured Juvenile Detention Logs were applicable for this objective. Auditors reviewed each detention log for completeness to determine if the criteria were followed and if the Department met the standard for this objective.

Findings

Auditors determined that 79 (94 percent) of the 84 detentions met the standard. The five detentions that did not meet the standard did not document on the Secure Juvenile Detention Log the 30-minute observation requirement was performed.

Objective No. 2 – Right to Telephone Calls

This objective included an evaluation of the timeliness of advisement of telephone calls and documentation of the telephone calls made or refused in accordance with Department policy.

Objective No. 2(a) – Advisement of Telephone Calls

Criteria

Department Manual, Section 4/658.17, *Telephone Calls – Juvenile in Custody*, dated Quarter 1, 2023, states:

"Immediately after taking a juvenile to a place of confinement, and no later than one hour after being taken into custody, the Department employee shall advise the juvenile of the right and provide the opportunity, to complete at least two telephone calls (one call to a parent or guardian, a responsible relative, or employer, and another call to an attorney). The juvenile has the right to make at least one additional telephone call within three hours of arrest....

Note: *Any deviations from this procedure, or if the juvenile opts to make telephone calls outside of this time limit, will be articulated within the "Comments of Investigating Officer/Arresting Officer" section of the Juvenile Arrest Supplemental Report.*

- *The term "taken into custody" shall mean an arrest under Sections 601 or 602 of the California Welfare and Institutions Code, and the time of custody begins at the actual time of the arrest in the field..."*

Audit Procedures

Auditors reviewed 84 arrest report packages and each associated Juvenile Arrest Supplemental Report (JASR), Form 05.02.06, to determine whether the advisement of telephone calls was documented on the JASR, and if the advisement was made within one hour after the juvenile was taken into custody. If so, the Department met the standard for this objective.

Findings

Auditors determined that 50 (60 percent) of the 84 JASRs met the standard for this objective. The 34 that did not meet the standard are detailed in Table No. 2 in the Addendum.

<u>Objective No. 2(b) – Documentation of Telephone Calls</u>

Criteria

Special Order No. 20, dated December 8, 2016, *Taking Persons Into Custody - Revised; Juvenile Arrest Supplemental Report, Form 05.02.06 - Revised; Adult Detention Log, Form 06.19.00 - Revised; Secure Juvenile Detention Log, Form 09.05.00 - Revised; and Non-Secure Juvenile Detention Log, Form 09.06.00 – Revised*, states:

..." ***II. JUVENILE ARREST SUPPLEMENTAL REPORT (JASR), FORM 05.02.06 - REVISED.*** *The Juvenile Arrest Supplemental Report (JASR), Form 05.02.06, has been revised to assist officers and supervisors in documentation of necessary information....*

- *A new section has been added, stating "DOCUMENTATION OF JUVENILE'S PHONE CALLS: Any deviation from procedure must be articulated within the Comments section of this report." Yes/No checkboxes have been added to allow officers to document if a juvenile refuses to make his or her allowed phone calls to a responsible adult, attorney, and a third phone call within three hours to a responsible adult or attorney. Fill-in boxes have*

> *been added for the date, time, phone no., name of person contacted and relationship to juvenile. These boxes will guide officers to accurately record the required information; and..."*

Audit Procedures

Auditors reviewed each of the 84 JASRs to determine whether (1) any phone calls refused or not refused by a juvenile were documented; (2) the officer documented telephone calls made by the juvenile; and, (3) the first two calls were made within one hour and the third call was made within three hours after being taken into custody. If so, the Department met the standard for this objective.

Findings

Auditors determined that 47 (56 percent) of the 84 JASRs reviewed met the standard. The 37 that did not meet the standard are detailed in Table No. 3 in the Addendum.

Objective No. 3 – Advisement of Rights

This objective included an evaluation of advisement of Miranda Rights and 625.6 WIC advisement.

Objective No. 3(a) – Advisement of Miranda Rights

Criteria

Department Manual, Section 4/218.66, *Temporary Detention of Juveniles at Department Facilities*, dated Quarter 1, 2023, states:

> ... *"**Note:** The advising Department employee shall document whether the juvenile was advised of his or her constitutional rights after being taken into custody, as required per the 625 WIC Admonishment or whether a juvenile invoked his or her Miranda Rights...."*

Audit Procedures

Auditors reviewed each of the 84 arrest report packages, associated JASRs, and juvenile detention logs to determine if there was any documentation that the juvenile arrestee was advised of their Miranda Rights. The Department met the standard for this objective if the Miranda Rights advisement was documented.

Findings

Auditors determined that 80 (95 percent) of the 84 arrest report packages met the standard for this objective. The four that did not meet the standard did not document the advisement.

Objective No. 3(b) – Welfare and Institutions Code 625.6 Advisement

Criteria

On January 1, 2018, SB 395 added Section 625.6 to the California WIC, which changed the criteria for custodial interrogation of juveniles 15 years of age or younger. On September 30, 2020, SB 203 amended the age requirement to apply to juveniles 17 years of age or younger. Section 625.6 of the WIC was amended to read:

> *"(a) Prior to custodial interrogation, and before the waiver of any Miranda rights, a youth 17 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived..."*

Audit Procedures

Auditors reviewed each of the 84 arrest report packages, associated JASRs, and juvenile detention logs to determine whether the WIC 625.6 advisement was administered when applicable. If the juvenile was advised, when applicable, the Department met the standard for this objective.

Findings

Each (100 percent) of the 84 arrest report packages and associated documents met the standard for this objective.

RECOMMENDATION

It is recommended that the Office of Operations create a plan of action to address the findings identified under each objective.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

Auditors submitted a draft report to the Office of Operations who was in general agreement with the audit findings.

Table No. 2 Objective No. 2(a) – Advisement of Telephone Calls

DESCRIPTION OF FINDING	NUMBER OF FINDINGS
Documentation of advisement time was prior to the arrest time	7
Advisement occurred after one-hour requirement	24
Phone call advisement section left blank	3
Total Findings:	**34**

Table No. 3 Objective No. 2(b) – Documentation of Telephone calls

DESCRIPTION OF FINDING	NUMBER OF FINDINGS FOR EACH ISSUE[1]		
	1st call	2nd call	3rd call
Documentation of call is prior to the arrest time documented	5	1	1
Field left blank	8	39	27
Call was made after one hour	27	0	N/A
Call was made after three hours	N/A	N/A	7
Total Findings: 37			

[1] Telephone call findings were counted as one finding, however, if they contained multiple issues, they were also listed under the applicable row in the table.

APPENDIX II

Audit Division Contact: Police Performance Auditor III Hezkeal Ayele, Serial No. N6038,
(213) 486-8428 or HEZKEAL AYELEN6038@lapd.online

HEZKEAL AYELE
Project Manager, Audit Division

WENDY GAMBLE
Officer in Charge, Audit Division

3/22 for:
SHARON SARGENT, Police Administrator
Commanding Officer
Audit Division

INTRADEPARTMENTAL CORRESPONDENCE

May 14, 2024
11.2

TO: Commanding Officer, Audit Division

FROM: Assistant to the Director, Office of Operations

SUBJECT: 2024 JUVENILE DETENTION PROCEDURES AUDIT – RESPONSE

The Audit Division (AD) conducted the 2024 Juvenile Detention Procedures Audit to evaluate adherence to policies and procedures for the period covering October 1, 2023, through December 31, 2023 delineated in the following documents:

- Department Manual Section 4/218.66, *Temporary Detention of Juveniles at Department Facilities*, dated 1st Quarter, 2023;
- Department Manual Section 4/658.17, *Telephone Calls*, dated 1st Quarter 2023;
- Special Order No. 20, *Taking Persons into Custody,* dated December 2016;
- Juvenile Arrest Supplemental Report (JASR), Form 05.02.06;
- Adult Detention Log, Form 06.19.00;
- Secure Juvenile Detention Log, Form 09.05.00; and,
- Non-Secured Juvenile Detention Log, Form 09.06.00.

The AD noted the following deficiencies:

- Objective 1(a) - Length of Detention: 82 (98%) out of 84 detention logs met the standard for this objective;
- Objective 1(b) - Evaluation of Detention Logs: 79 (94%) out of 84 detention logs met the standard for this objective;
- Objective 2(a) - Advisement of Telephone Calls: 50 (60%) out of 84 JASRs met the standard for this objective;
- Objective 2(b) - Documentation of Telephone Calls: 47 (56%) out of 84 JASRs met the standard for this objective;
- Objective 3(a) - Advisement of Miranda Rights: 80 (95%) out of 84 arrest report packages met the standard for this objective; and,
- Objective 3(b) - Welfare and Institutions Code 625.6 Advisement: 84 (100%) out of 84 arrest report packages met the standard for this objective.

After review of AD's draft report, it was determined that the Office of Operations (OO) is in general agreement with the audit findings.

The OO will address the deficiencies noted above as follows:

1. A monthly inspection was created for each of the four bureaus to conduct a validation of forms such as JASR, Non-Secured Juvenile Detention Logs, and Secured Juvenile Detention Logs;
2. A notification was sent to the Area Watch Commanders as a reminder to review juvenile arrest packages including the JASRs, Secure, and Non-Secure Juvenile Detention Logs. If any documentation is not accurate, WCs are to return reports to officers for corrections;
3. An OO Project was created requesting Juvenile Coordinators at all geographic Areas, provide roll call training to officers on the juvenile detention procedures. Once training is complete the OO will be notified; and,
4. The following documents will be recirculated to all geographic Areas during the above training:
    - Field Notebook Divider, *Juvenile Detention Procedures*, Form 18.50.00, dated April 2015;
    - Department Manual Section 4/218.66, *Temporary Detention of Juveniles at Department Facilities*, dated 1st Quarter, 2023;
    - Department Manual Section 4/658.17, *Telephone Calls - Juvenile in Custody,* dated 1st Quarter 2023;
    - Administrative Order No. 11, *Notification to Parents - Juvenile Arrest – Revised,* dated July 2019; and,
    - Special Order No. 20, *Juvenile Arrest Supplemental Report, Secure Juvenile Detention Log, and Non-Secure Juvenile Detention Log,* dated December 2016.

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

BRYAN D. LIUM, Commander
Assistant to the Director, Office of Operations