

INTRADEPARTMENTAL CORRESPONDENCE

August 9, 2023
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: MOTOR VEHICLE AND PEDESTRIAN STOPS AUDIT (AD NO. 23-006)

RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Motor Vehicle and Pedestrian Stops Audit.

DISCUSSION

Audit Division conducted the Motor Vehicle and Pedestrian Stops 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,



MICHEL R. MOORE
Chief of Police

Attachment

**Motor Vehicle and Pedestrian Stops Audit
Conducted by Audit Division
2023**

OVERVIEW

In accordance with the Los Angeles Police Department (Department) 2023 Annual Audit Plan, Audit Division (AD) conducted a Department-wide Motor Vehicle and Pedestrian Stops Audit. The purpose of the audit was to evaluate the Department's compliance with policies and procedures during motor vehicle and pedestrian stops.

Audit Division evaluated a stratified sample of 87 Automated Field Data Reports (AFDRs) completed for the audit period of January 1, 2023, through March 31, 2023, and determined the following:

- Documentation of Probable Cause and/or Reasonable Suspicion for the Stop. The Department documented probable cause and/or reasonable suspicion for the stop 98 percent of the time [Objective No.1(a)];
- Documentation of Probable Cause and/or Reasonable Suspicion for the Search. The Department documented probable cause and/or reasonable suspicion for the search 80 percent of the time [Objective No.1(b)];
- Supervisory Review of the AFDR. The Department conducted a supervisory review of the AFDR 100 percent of the time [Objective No. 2(a)]; and,
- Anonymity of Detained Parties. The Department protected the anonymity of all parties detained 95 percent of the time [Objective No. 2(b)].

BACKGROUND

Law enforcement activities include, but are not limited to, traffic or pedestrian stops, actions during a stop, frisks, consensual and nonconsensual searches of a person or property, seizing property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest. Conducting vehicle or pedestrian stops and/or detentions also promotes public safety and protects the public from crime.

PRIOR AUDIT

This is AD's first Motor Vehicle and Pedestrian Stops Audit.

SCOPE AND METHODOLOGY

Audit Division utilized AFDR data to obtain officer-initiated motor vehicle and pedestrian stops that occurred between January 1, 2023, and March 31, 2023, and selected a statistically valid random sample of 87 from a population of 68,385.¹

Each AFDR was evaluated, along with the corresponding Body-Worn Video (BWV) and/or Digital In-Car Video System recordings (DICVS) to ensure their consistency with the information contained in the AFDR.

SUMMARY OF FINDINGS

Table No. 1 summarizes the findings by objective.

Table No. - 1 Findings by Objective

Objective No.	Description of Objectives	Number Meeting Standard/Evaluated	Percentage Meeting Standard
1	Basis for the Stop and Search		
1(a)	Documentation of Probable Cause and/or Reasonable Suspicion for the Stop	85/87	98%
1(b)	Documentation of Probable Cause and/or Reasonable Suspicion for the Search on the AFDR	8/10	80%
2	Supervisory Oversight		
2(a)	Supervisory Review of the AFDR	87/87	100%
2(b)	Anonymity of Detained Parties	83/87	95%

DETAILED FINDINGS

Objective No. 1 – Basis for the Stop and Search

This objective included a review of AFDRs to determine whether an entry was completed for each stop and person detained. In addition to documenting the basis for the stop, the AFDR shall include an explanation for the search when applicable.

¹ The sample size was calculated by using a one-tail test with a 95 percent confidence level, a five percent error rate, and a 95 percent proportion of success. The one-tail test was applied to the Bureau total and stratified for each Area.

Objective No. 1(a) - Documentation of Probable Cause and/or Reasonable Suspicion for the Stop

Criteria

Department Manual, 4th Quarter 2022, Volume 4, “Line Procedures,” Section 202.02, “Automated Field Data Reports/Completion and Tracking,” Officer’s Responsibilities states: ...

*“Sworn personnel assigned to any field, specialized, or investigative assignment (e.g., patrol, task force, detective, and plain clothes assignments) **shall complete an AFDR, Form 15.52.00 for every person detained or searched regardless of the initial reason for the encounter (e.g., traffic stop, pretextual stop, radio call, officer’s observation, task force) ...”***

Department Manual, 4th Quarter 2022, Vol. 1, “Policy”, Section 240.06, “Policy- Limitation on Use of Pretextual Stops, Use of Traffic/Pedestrian Stops” – General states...

*“Traffic or pedestrian stops made for the sole purpose of enforcing the Vehicle Code or other codes are intended to **protect public safety**. Therefore, officers should make stops for minor equipment violations or other infractions only when the officer believes that such a violation or infraction significantly interferes with public safety.”*

“Note: The public safety reason for all traffic/pedestrian stops, citations, and warnings should be articulated on body-worn video (BWV) and should include an officer’s response to any questions posed by the individual stopped.”

Audit Procedures

Auditors reviewed each AFDR to determine if probable cause and/or reasonable suspicion for the stop was documented and corroborated in the associated BWV and/or DICVS. The Department met the standard if all AFDRs were documented with probable cause and/or reasonable suspicion for the stop.

Findings

Eighty-five of the 87 AFDRs reviewed (98 percent) met the standard. The two remaining AFDRs that did not meet the standard are listed below:

- Southeast Area – The AFDR did not indicate the passenger was ordered out of the vehicle and handcuffed, which was evident in the BWV.

- Hollywood Area – The AFDR did not indicate the passenger (owner of the vehicle) was detained and asked for identification and vehicle registration, which was evident in the BWV.

Probable cause or reasonable suspicion existed to stop all individuals associated with the 87 AFDRs in this sampling. However, in order to meet the standard, the AFDR system requires probable cause or reasonable suspicion to be restated for any additional passenger who is detained and the subject of investigative or enforcement action during the stop.

Objective No. 1(b) - Documentation of Probable Cause and/or Reasonable Suspicion for the Search on the AFDR

US Constitution, Amendment IV, Article 1, Section 13, Search and Seizure states:

“The right of the 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...”

Criteria

Department Manual, 4th Quarter 2022, Vol. 4, “Line Procedures,” Section 202.02, “Automated Field Data Reports/Completion and Tracking,” Supervisor’s Responsibilities states:

“The new AFDR system includes data fields that require Department personnel to complete a narrative as it relates to the reason for the stop and the basis for the search. The supervisor shall ensure that a legal basis for the detention and search (if applicable) is adequately articulated, as well as ensure the stop is accurately denoted as pretextual when the explanation for the stop supports such a determination.”

Department Manual, 4th Quarter 2022, Vol. 3, “Management Rules and Procedures,” Section 579.15, “Viewing of Body Worn Video Recordings by Officers,” states:

“The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the Department’s obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Officers are therefore required to review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.”

Audit Procedures

Auditors reviewed each AFDR to determine if probable cause and/or reasonable suspicion for the search of each detainee and/or their property, along with the results of each search was documented and corroborated in the BWV and/or DICVS. The Department met the standard if all AFDRs were documented with the results of the search.

Findings

Of the 87 AFDRs reviewed, 10 searches were conducted of a person and/or property. Eight of the ten searches (80 percent) met the standard. The two searches that did not meet the standard are listed below:

- Southwest Area - The reason for the stop was due to tinted windows. The officer searched the vehicle including the hood and trunk; however, the reason for the search was not documented in the AFDR. The search was viewed by auditors in the BWV.
- 77th Street Area – During the stop, officers smelled marijuana and conducted a search of the vehicle; however, officers did not document the probable cause for the search in the AFDR. The search was viewed by auditors in the BWV.

While probable cause existed to stop all individuals associated with the 10 AFDRs, the AFDR system requires a separate field for the probable cause to be stated for any search of person and/or property in order to meet the standard.

Objective No. 2 – Supervisory Oversight

Supervisors are required to review AFDRs for completeness and accuracy and ensure no identifying characteristics are listed in accordance with the AFDR Completion guidelines.

Objective No. 2(a) – Supervisory Review of the AFDR

Criteria

Department Manual, 4th Quarter 2022, Vol. 4, Line Procedures, Section 202.02, Automated Field Data Reports/Completion and Tracking, Supervisor's Responsibilities states:

“Reviewing AFDRs in a timely manner to ensure that officers are properly completing the AFDR in accordance with the Officer AFDR Completion Guide and Supervisor AFDR Completion Guide; and, Editing or directing the completing officer to revise the narrative portions of the AFDR, when appropriate...”

Audit Procedures

Auditors reviewed each AFDR to determine if it was reviewed and approved by a supervisor in accordance with AFDR Completion Guide.² The Department met the standard if the AFDR was reviewed and approved by a supervisor in accordance with the Completion Guide.

Finding

Each of the 87 AFDRs reviewed (100 percent) met the standard.

Objective No. 2(b) – Anonymity of Detained Parties

Criteria

Department Manual, 4th Quarter 2022, Vol. 4, Line Procedures, Section 202.02, Automated Field Data Reports/Completion and Tracking, Supervisor’s Responsibilities states:

“...In addition, the supervisor shall protect the anonymity of all parties involved by: Ensuring there are no identifying characteristics listed of the person(s) or suspect(s) being stopped (e.g., name of the individual, license plate number, date of birth, booking number); and, Ensuring there are no identifying characteristics listed of the officer(s) involved (e.g., name, serial number, badge number).”

Audit Procedures

Auditors reviewed each AFDR to determine if the documented narrative protected the anonymity of all parties detained. The Department met the standard if the AFDR protected the anonymity of the parties detained.

Findings

Eighty-three of the 87 AFDRs reviewed (95 percent) met the standard. The remaining four AFDRs included license plate numbers in the address field of the AFDR:

- Central Area, Southwest Area, Southeast Area, and Hollywood Area

² Auditors did not measure the timely manner since the Department Manual does not define “timely.” However, Auditors determined that when the AFDR was signed by a supervisor, it was reviewed for completion and edits.

OTHER RELATED MATTERS

1. Auditors noted several instances where officers used the same incident number for multiple stops. Incident numbers are essential to the Department's internal tracking and review process. The Chief of Detectives Notice, dated September 21, 2021, addresses the importance of unique incident numbers.
2. Auditors noted there was a stop where the officers incorrectly listed the female party as a male. Auditors reviewed the BWV and determined the female was the girlfriend of one of the three males detained. A supervisory review was conducted of the AFDR; however, the review did not reveal inaccurate information since the video was not viewed.
3. Auditors noted two stop and search instances where the officer asked permission to search the vehicle; however, the officer did not advise the party that they could refuse or withdraw consent, nor did the officer ensure confirmation of the person's understanding of the consent provided.

RECOMMENDATION

It is recommended that the Office of Operations collaborate with Training Division to create a roll call training regarding proper documentation of consent search and implementation of Consent to Search Advisement per Office of the Chief of Police Administrative Order No. 22, *Field Officer's Notebook, Form 15.03.00 – Revised; and, Consent to Search Verbal Advisement, Form 15.05.00 – Activated*, dated November 20, 2020.

ACTIONS TAKEN/MANAGEMENT RESPONSE

The audited entities were in general agreement with the findings and submitted a response which is attached to as addendum to this report.

APPENDIX I

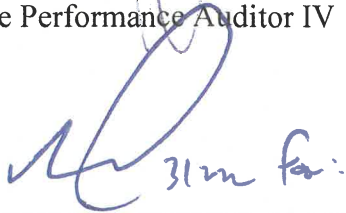
Audit Division Contact: Joel Cortez, PPA III, Serial No. N5792, (213) 486-8377



JOEL CORTEZ
Project Manager, Audit Division
Police Performance Auditor III



Wendy Gamble
Officer-In-Charge, Audit Division
Police Performance Auditor IV



312m for:

Sharon Sargent
Commanding Officer
Audit Division

INTRADEPARTMENTAL CORRESPONDENCE

July 19, 2023
11.2

TO: Commanding Officer, Audit Division

FROM: Assistant to the Director, Office of Operations

SUBJECT: MOTOR VEHICLE AND PEDESTRIAN STOPS AUDIT

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for Fiscal Year 2023, Audit Division (AD) conducted a Motor Vehicle and Pedestrian Stops Audit to evaluate the Department's adherence with policies and procedures during motor vehicle and pedestrian stops.

Audit Division utilized the Automated Field Data Reports (AFDR) database to determine the population of officer-initiated motor vehicle and pedestrian stops which occurred between January 1, 2023, and March 31, 2023. Body-worn Video (BWV) and Digital In-Car Video System (DICVS) were also evaluated for these stops to ensure consistency with the information documented in the AFDR.

Table No. 1 summarizes the findings by objective:

Table No. 1 – Summary of Findings

Objective No.	Description of Objectives	Number Meeting Standard/Evaluated	Percentage Meeting Standard
1	Basis for the Stop and Search		
1(a)	Documentation of Probable Cause and/or Reasonable Suspicion for the Stop	85/87	98%
1(b)	Documentation of Probable Cause and/or Reasonable Suspicion for the Search	8/10	80%
2	Supervisory Oversight		
2(a)	Supervisory Review of the AFDR	87/87	100%
2(b)	Anonymity of Detained Parties	83/87	95%

Objective No. 1(a) – Documentation of Probable Cause and/or Reasonable Suspicion for the Stop

Audit Division reviewed the AFDR for documentation of the probable cause and/or reasonable suspicion for the stop. There were 85 of 87 (98%) stops which met the standard for this requirement.

For each of the two findings, the Office of Operations Inspections Unit (OOIU) reviewed the respective officers' BWV, DICV, and AFDR Reports. Both incidents had clear and sufficient reasonable suspicion and/or probable cause to conduct the stops and detain both the driver and the passenger in each incident. However, although these interactions are documented on the BWV and DICV, the officers should have completed an AFDR documenting the passengers who officers had legally detained during these stops.

Objective No. 1(b) – Documentation of Probable Cause and/or Reasonable Suspicion for the Search

The basis for probable cause and/or reasonable suspicion searches conducted of a person and/or property need to be documented in the AFDR. The standards for this requirement were met in 8 of 10 (80%) stops which included the related search.

The review of the officers' BWV and DICV in both findings documents the probable cause that officers had to conduct probable cause searches of the vehicles they had legally stopped. However, the officers did not provide the probable cause which led them to search the vehicles in the AFDR.

Objective No. 2 (a) – Supervisory Review of the AFDR

Supervisors must review and approve all submitted AFDR's. The standards of this requirement were met 87 of 87 (100%).

Objective No. 2 (b) – Anonymity of Detained Parties

The AFDR must exclude information that would compromise the anonymity of the detained parties. The standards of requirement were met 83 of 87 (95%).

Upon creation of a traffic stop, Communications Division will add the license plate number of the vehicle stopped along with the location that the stop occurred in the incident details. When creating an AFDR for the incident, this information is then automatically populated in the entry. If an officer or the reviewing supervisor does not delete the license plate number from the stop location box in the AFDR, then this identifying information could be mistakenly included in the AFDR submissions. This occurred in all 4 findings.

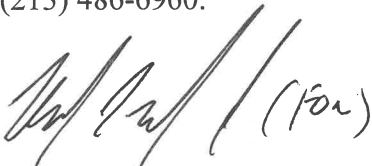
Office of Operations Response and Action Plans

After review of the draft report, it was determined that the OOIU is in general agreement with AD and will address the findings as follows:

- Special Order No. 14 *Automated Field Data Reports/Completion And Tracking – Revised; And, Officer Completion Guide – Revised*, dated November 4, 2022, will be recirculated to the Areas to ensure that the policy and its revision are readdressed.
- The Office of Operations will collaborate with the Training Division to create an updated roll call training video regarding the Consent to Search Advisement as it relates to Administrative Order No. 22 *Field Officer's Notebook, Form 15.03.00 – Revised; And, Consent to Search Verbal Advisement, Form 15.05.00 – Activated*, dated November 20, 2020.

The OOIU determined that the main cause of the deficiencies was due to an officer-training issue on AFDR entries. There exists sufficient documentation on officers' BWV and DICV to legally justify the actions of the officers.

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

A handwritten signature in black ink, appearing to read 'Stacy D. Spell' followed by '(for)' in parentheses.

STACY D. SPELL, Commander
Assistant to the Director, Office of Operations