

**LOS ANGELES POLICE COMMISSION**

*REVIEW OF THE DEPARTMENT'S  
ARREST, BOOKING, AND  
CHARGING REPORTS AUDIT*



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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December 27, 2007

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**PURPOSE**

Pursuant to Consent Decree (CD) Paragraph 135, the Office of the Inspector General (OIG) reviewed the Los Angeles Police Department's (Department) Arrest, Booking, and Charging (ABC) Reports Audit (Audit) performed by Audit Division (AD). The Audit was completed in the first quarter of Fiscal Year 2007/2008 and received by the OIG on October 1, 2007. As required, the OIG assessed the Audit's completeness, findings, and quality.

**BACKGROUND ON AUDIT DIVISION'S AUDIT**

Audit Division conducted its seventh ABC Reports Audit and assessed the Department's compliance with Consent Decree Paragraphs 70(a) and (b), 73, 106(e)(i, vii), 128, and 131(a), (c) and (e). See Table No. 1 for a brief description of the Audit's objectives when assessing adherence to those Paragraphs and the results of AD's assessments.

Audit Division's population consisted of Department-wide arrests stratified by geographic Areas/Divisions, and AD used two different samples to evaluate a total of five audit objectives. One sample consisted of Department-wide arrests, excluding Gang Enforcement Detail (GED) arrests, and the other sample consisted of only GED arrests.<sup>1</sup> Audit Division randomly selected a sample of 223 Arrest Report packages (116 Non-GED and 107 GED) from Deployment Period (DP) Nos. 4 and 5 of 2007 (April 1 to May 26, 2007), and reviewed the packages for compliance with the Consent Decree (CD) objectives noted in Table No. 1.<sup>2</sup>

Since there were only five arrests in AD's sample that involved a Consent Decree 70(b) event (an arrestee being charged with resisting arrest, interfering with a police officer, or assaulting a police officer), an additional 30 Arrest Report packages were reviewed by AD to assess compliance with Consent Decree Paragraph 70(b).<sup>3</sup> The total 35 (5+30) Arrest Report packages and associated Watch Commander's Logs were reviewed to determine whether the watch commander documented and evaluated the officers' actions for training, policy, or tactics. The OIG commends AD for expanding its sample.

**FOCUS POINT**

There were five objectives with 27 sub-objectives being evaluated in AD's Audit. Compliance rates for five of the 27 sub-objectives were less than 95 percent (see Table No. 1 for this year's Audit results), and four of the five compliance rates decreased from those reported in AD's prior audit. The most noteworthy decrease in compliance rate was for Consent Decree Paragraph 70(b) (Objective No. 4b). The reported overall compliance rate decreased from 100 percent (5 of 5) last year to 74 percent (26 of 35) this year. As reported in AD's Audit, they have commenced a supplemental audit to further address this concern.

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<sup>1</sup> Paragraph 131(c) requires that AD report its findings related to GED separately from the Department-wide results.

<sup>2</sup> Not all Arrest Report packages were applicable to be tested against each sub-objective.

<sup>3</sup> Consent Decree Paragraph 70(b) requires that supervisors shall evaluate each incident in which a person is charged with interfering with a police officer (California Penal Code Section 148), resisting arrest, or assault on an officer to determine whether it raises any issue or concern regarding training, policy, or tactics.

**TABLE NO. 1  
SUMMARY OF COMPLIANCE PERCENTAGES REPORTED  
BY AUDIT DIVISION FOR THIS YEAR’S AUDIT**

Objective	CD ¶	Objective/Sub-Objective Description	COMPLIANCE PERCENTAGES / SAMPLES					
			GED		NON-GED		TOTAL	
<b>1</b>		<b>Completeness</b>						
a	128	Arrest Report is Complete	100%	107/107	100%	116/116	100%	223/223
<b>2</b>		<b>Authenticity</b>						
a	128	Arrest Report Information is Consistent	100%	107/107	100%	116/116	100%	223/223
b	128	"Canned" Language is not Used	100%	107/107	100%	116/116	100%	223/223
c	128	No Evidence of Inauthenticity	100%	107/107	100%	116/116	100%	223/223
<b>3</b>		<b>Legality of Underlying Actions</b>						
a	128	Reasonable Suspicion is Adequately Articulated	100%	107/107	100%	116/116	100%	223/223
b	128	Probable Cause is Adequately Articulated	98%	105/107	100%	116/116	99%	221/223
c	128	Legal Basis for Search is Adequately Articulated	100%	57/57	98%	48/49	99%	105/106
d	128	Legal Basis for Seizure is Adequately Articulated	100%	57/57	100%	69/69	100%	126/126
e	128	Miranda Rights are not Violated	100%	107/107	100%	116/116	100%	223/223
<b>4</b>		<b>Conformance with Department Procedures</b>						
a	73	Watch Commander Inspection and Interview	99%	84/85	96%	81/84	98%	165/169
b	70(b)	Incident Arrest Review by Watch Commander	100%	6/6	<b>69%</b>	<b>20/29</b>	<b>74%</b>	<b>26/35</b>
c	106e(vii)	No Use of Off-Site Locations	100%	107/107	100%	116/116	100%	223/223
d	128	<b>Other Conformance with LAPD Procedures</b>						
		i. Documentation of Miranda Responses	<b>89%</b>	<b>65/73</b>	<b>88%</b>	<b>64/73</b>	<b>88%</b>	<b>129/146</b>
		ii. Medical Treatment Provided	100%	14/14	100%	22/22	100%	36/36
		iii. Proper Recovery and Handling of Property	95%	55/58	97%	71/73	96%	126/131
		iv. Proper Issuance of Receipt for Property Taken into custody	96%	53/55	<b>89%</b>	<b>51/57</b>	<b>93%</b>	<b>104/112</b>
		<b>v. Juvenile Arrest Procedures</b>						
		(1) Juvenile Arrest Supplemental Report is Completed	100%	17/17	100%	6/6	100%	23/23
		(2) Parental Notification Completed	100%	17/17	100%	6/6	100%	23/23
		(3) Advisement of Telephone Calls	100%	17/17	100%	6/6	100%	23/23
		(4) Timeliness of Telephone Calls	<b>82%</b>	<b>14/17</b>	<b>50%</b>	<b>3/6</b>	<b>74%</b>	<b>17/23</b>
		(5) Length of Detention Less than Six Hours	100%	17/17	<b>83%</b>	<b>5/6</b>	96%	23/23
		(6) Correct Detention Area for Juveniles	100%	17/17	<b>83%</b>	<b>5/6</b>	96%	22/23
		(7) Questionnaire Completed for Juveniles Under 14 Years of Age	100%	2/2	N/A	N/A	100%	2/2
<b>5</b>		<b>Supervisory Oversight</b>						
a	70	Evidence of Proper Arrest Report Approval	97%	104/107	<b>94%</b>	<b>109/116</b>	96%	213/223
b	70	Evidence of Proper Booking Approval	96%	80/83	<b>93%</b>	<b>79/85</b>	95%	159/168
c	70a	Quality of Post-Incident Supervisory Review (Evidence of Completion of Required Forms)	<b>65%</b>	<b>70/107</b>	<b>70%</b>	<b>81/116</b>	<b>68%<sup>4</sup></b>	<b>151/223</b>
d	128	Adequacy of On-Scene Supervision	100%	16/16	100%	20/20	100%	36/36

Note: Greater detail as to AD’s methodology and findings can be found in AD’s Audit Report.

<sup>4</sup> The Quality of Post-Incident Supervisory Review showed a slight improvement to 68 percent from 65 percent in the prior audit.

## **REVIEW METHODOLOGY**

The OIG assessed the completeness, findings, and quality of AD's Audit by reviewing the final Audit Report, Audit Work Plan, and Microsoft Access Database. The database was used to compile and analyze AD's findings and supporting work papers.<sup>5</sup>

On December 19, 2007, the OIG met with AD management to discuss the results of this review. At that time, AD management indicated they were in general agreement with the OIG's findings.

## **REVIEW RESULTS**

### **COMPLETENESS**

To assess the Audit's completeness, the OIG reviewed AD's Audit and supporting work papers to ensure that all applicable Consent Decree mandates were addressed and that AD selected a sample from a complete population.

#### **Consent Decree Mandates Addressed**

Per the Department's Annual Audit Plan (Fiscal Year 2007/2008), the ABC Reports Audit was to assess Consent Decree Paragraphs 70(a) and (b), 73, 106(e)(i)(vii),<sup>6</sup> 128, and 131(a) and (e), while meeting the requirement of Consent Decree Paragraph 131(c).

#### **Identification of a Complete Population**

Based on the OIG's review of AD's sampling documentation, it appears AD identified a complete population from which they randomly selected their samples. However, for when selecting their sample of GED Arrest Report packages, AD inadvertently sorted the randomized numbers in a manner that resulted in the selection of arrests mostly occurring in the first three weeks of April 2007, even though the test period was intended to cover the entire eight-week period of April 1 to May 26, 2007.

Additionally, the OIG noted that AD should have better explained/justified revisions to its original audit samples (de-selections and replacements). Specifically, AD de-selected several Arrest Report packages from its original samples because they involved either lower-risk misdemeanor charges, releases from custody that lacked a narrative, or the Arrest Report packages were unable to be located. However, there was no documented explanation/justification for these de-selections, and AD's Audit Report did not mention that de-selection and replacement sampling was used for the

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<sup>5</sup> The OIG's review of supporting work papers was based on a randomly selected one-tail sample size calculation with a 95 percent confidence level, an expected error rate of six percent, and a plus precision of seven percent, with samples selected from both the Department-wide and GED populations.

<sup>6</sup> Consent Decree Paragraph 106(e)(i) requires that unit supervisory and non-supervisory officers continue to be subject to existing procedures for uniformed patrol officers regarding detention, transportation, arrest, processing and booking of arrestees and other persons. Since AD assessed these areas in other objectives, a CD compliance percentage was not reported. In future ABC audits, the OIG suggests that AD delineate this explanation in their report.

aforementioned reasons. For Arrest Report packages that could not be located, AD should have reported the anomalies, and sent an Intradepartmental Correspondence (15.2) to the Office of Operations to locate the missing packages. This is especially important given the possibility that an employee could intentionally not file Arrest Report packages with identifiable issues.<sup>7</sup>

## **FINDINGS**

To assess the Audit's findings, the OIG reviewed AD's supporting work papers to ensure the findings adequately supported information presented in the Audit Report. The OIG also assessed the Audit Report's presentation of findings.

### **Support for Findings**

Based on the OIG's review of 50 Arrest Report packages (25 Department-wide and 25 GED out of the 223 audited by AD), and on the OIGs' review of 17 of the 35 Arrest Report packages related to Consent Decree Paragraph 70(b), the Audit's reported findings were adequately supported.

### **Presentation of Findings**

Audit Division presented the Audit's findings in a logical manner, organized by Consent Decree Paragraph, and the narrative of the Audit Report supported all findings.

## **QUALITY**

To assess the Audit's quality, the OIG evaluated the quality of both the Audit and the Audit Report.

### **Audit Quality**

Based on the OIG's review, the Audit was properly supervised and planned, in that the Audit's methodology allowed for proper assessment of Consent Decree mandates.

### **Report Quality**

The Audit Report properly delineated the Audit's objectives, scope, methodology, and status of prior audit recommendations. Additionally, the Audit Report was issued in a timely manner (within a year of AD's last audit), used a fair and unbiased tone, and the Audit's objectives were presented in a clear manner. Finally, the Audit Report delineated a risk assessment for objectives that were out of compliance (less than 95 percent), explaining the reasons for the low compliance percentages and providing additional insight.

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<sup>7</sup> The OIG has no reason to believe, however, that this was the case with any of the missing Arrest Report packages identified by AD.

However, with respect to Post-Incident Supervisory Review, (Objective No. 5c), AD’s assessment did not provide compliance percentages for each individual requirement evaluated. Specifically, the Audit stated that 151 of 223 (68 percent) Arrest Report packages met the standards of this Objective, and 72 of 223 (32 percent) contained various issues that reasonably should have been identified and corrected by reviewing supervisors. In the OIG’s prior review, we suggested that AD also provide a table representing compliance for each individual requirement used to assess post-incident supervisory review (see Table No. 2 below). When assessing the results for post-incident supervisory review in this manner, there was an 89 percent (785 of 881 requirements) overall compliance rate based on the total requirements assessed. This additional detail helps to clarify the areas that warrant enhanced supervisory review.

**TABLE NO. 2  
POST-INCIDENT SUPERVISORY REVIEW**

<b>Supervisory Review Requirement<sup>8</sup></b>	<b>Number of Exceptions</b>	<b>Number in Compliance</b>	<b>Total Arrest Report Packages Evaluated</b>	<b>Compliance Percentage</b>
Firearm Supplemental Property Report Completed	0	10	10	100%
Request for Confidentiality Form Completed	0	7	7	100%
Domestic Violence Form Completed	2	5	7	<b>71%</b>
City Attorney Disclosure Form Completed	32	184	216	<b>85%</b>
Juvenile Arrest Supplemental Form Completed	6	17	23	<b>74%</b>
Search Information Documented on Booking Approval	24	135	159	<b>85%</b>
No Inconsistencies between the Property Report and the Receipt for Property Taken into Custody Form	10	94	104	<b>90%</b>
Property Disposition Documented	5	126	131	96%
No Other Supervisory Review Issues	16	207	223	<b>93%</b>
<b>Totals</b>	<b>96</b>	<b>785</b>	<b>881</b>	<b>89%</b>

Furthermore, the OIG noted that AD did not provide Office of Operations’ management with a draft report of preliminary findings or an opportunity to provide feedback prior to the issuance of the final Audit Report. In the future, it is suggested that AD perform this step prior to issuing their Audit Report.

**CONCLUSION**

Overall, the OIG determined that the Audit was complete, conducted in a quality manner and the findings were well supported. However, as previously noted, AD inadvertently sorted the randomized numbers that were used for selecting each GED Area’s sample. As a result, the majority of the GED Arrest Report packages selected and tested were for arrests occurring in the first three weeks of April 2007, even though the test period was intended to cover the entire eight-week period of April 1 to May 26, 2007.

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<sup>8</sup> Not all Arrest Report packages were applicable to be tested against each requirement.